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118TH CONGRESS  
2D SESSION

# S. 2781

To promote remediation of abandoned hardrock mines, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2023

Mr. HEINRICH (for himself, Mr. RISCH, Mr. HICKENLOOPER, Mr. CRAPO, Ms. SINEMA, Mr. DAINES, Mr. LUJÁN, Mr. BARRASSO, Mr. KELLY, Ms. LUMMIS, Mr. TESTER, Mr. THUNE, Ms. CORTEZ MASTO, Mr. CRAMER, Ms. ROSEN, Mr. BOOZMAN, Mr. BENNET, Mr. SULLIVAN, Mr. WYDEN, Ms. MURKOWSKI, Mr. MERKLEY, Mr. BRAUN, Ms. STABENOW, Mr. ROMNEY, Mr. WHITEHOUSE, Ms. ERNST, Mr. PADILLA, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JANUARY 25, 2024

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To promote remediation of abandoned hardrock mines, and  
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Good Samaritan Reme-  
3 diation of Abandoned Hardrock Mines Act of 2023”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **ABANDONED MINE SITE.**—

7 (A) **IN GENERAL.**—The term “abandoned  
8 mine site” means an abandoned or inactive  
9 hardrock mine site and any facility associated  
10 with an abandoned or inactive hardrock mine  
11 site—

12 (i) that was used for the production of  
13 a mineral other than coal conducted on  
14 Federal land under sections 2319 through  
15 2352 of the Revised Statutes (commonly  
16 known as the “Mining Law of 1872”, 30  
17 U.S.C. 22 et seq.) or on non-Federal land;  
18 and

19 (ii) for which, based on information  
20 supplied by the Good Samaritan after re-  
21 view of publicly available data and after re-  
22 view of other information in the possession  
23 of the Administrator, the Administrator or,  
24 in the case of a site on land owned by the  
25 United States, the Federal land manage-  
26 ment agency, determines that no respon-

1           sible owner or operator has been identi-  
2           fied—

3                   (I) who is potentially liable for,  
4                   or has been required to perform or  
5                   pay for, environmental remediation  
6                   activities under applicable law; and

7                   (II) other than, in the case of a  
8                   mine site located on land owned by  
9                   the United States, a Federal land  
10                  management agency that has not been  
11                  involved in mining activity on that  
12                  land, except that the approval of a  
13                  plan of operations under the hardrock  
14                  mining regulations of the applicable  
15                  Federal land management agency  
16                  shall not be considered involvement in  
17                  the mining activity.

18                  (B) INCLUSION.—The term “abandoned  
19                  mine site” includes a hardrock mine site (in-  
20                  cluding associated facilities) that was previously  
21                  the subject of a completed response action  
22                  under the Comprehensive Environmental Re-  
23                  sponse, Compensation, and Liability Act of  
24                  1980 (42 U.S.C. 9601 et seq.) or a similar  
25                  Federal and State reclamation or cleanup pro-

1           gram, including the remediation of mine-scarred  
2           land under the brownfields revitalization pro-  
3           gram under section 104(k) of that Act (42  
4           U.S.C. 9604(k)).

5           (C) EXCLUSIONS.—The term “abandoned  
6           mine site” does not include a mine site (includ-  
7           ing associated facilities)—

8                   (i) in a temporary shutdown or ces-  
9                   sation;

10                   (ii) included on the National Priorities  
11                   List developed by the President in accord-  
12                   ance with section 105(a)(8)(B) of the  
13                   Comprehensive Environmental Response,  
14                   Compensation, and Liability Act of 1980  
15                   (42 U.S.C. 9605(a)(8)(B)) or proposed for  
16                   inclusion on that list;

17                   (iii) that is the subject of a planned or  
18                   ongoing response action under the Com-  
19                   prehensive Environmental Response, Com-  
20                   pensation, and Liability Act of 1980 (42  
21                   U.S.C. 9601 et seq.) or a similar Federal  
22                   and State reclamation or cleanup program;

23                   (iv) that has a responsible owner or  
24                   operator; or

1                   (v) that actively mined or processed  
2                   minerals after December 11, 1980.

3                   (2) ADMINISTRATOR.—The term “Adminis-  
4                   trator” means the Administrator of the Environ-  
5                   mental Protection Agency.

6                   (3) APPLICABLE WATER QUALITY STAND-  
7                   ARDS.—The term “applicable water quality stand-  
8                   ards” means the water quality standards promul-  
9                   gated by the Administrator or adopted by a State or  
10                  Indian tribe and approved by the Administrator pur-  
11                  suant to the Federal Water Pollution Control Act  
12                  (33 U.S.C. 1251 et seq.).

13                  (4) COOPERATING PERSON.—

14                   (A) IN GENERAL.—The term “cooperating  
15                   person” means any person that is named by the  
16                   Good Samaritan in the permit application as a  
17                   cooperating entity.

18                   (B) EXCLUSIONS.—The term “cooperating  
19                   person” does not include—

20                   (i) a responsible owner or operator  
21                   with respect to the abandoned mine site  
22                   described in the permit application; or

23                   (ii) a person that had a role in the  
24                   creation of historic mine residue at the

1 abandoned mine site described in the per-  
 2 mit application.

3 ~~(5) COVERED PERMIT.~~—The term “covered per-  
 4 mit” means—

5 (A) a Good Samaritan permit; and

6 ~~(B) an investigative sampling permit.~~

7 ~~(6) FEDERAL LAND MANAGEMENT AGENCY.~~—

8 The term “Federal land management agency”  
 9 means any Federal agency authorized by law or Ex-  
 10 ecutive order to exercise jurisdiction, custody, or  
 11 control over land owned by the United States.

12 ~~(7) GOOD SAMARITAN.~~—The term “Good Sa-  
 13 maritan” means a person that, with respect to his-  
 14 toric mine residue, as determined by the Adminis-  
 15 trator—

16 ~~(A) is not a past or current owner or oper-  
 17 ator of—~~

18 ~~(i) the abandoned mine site at which  
 19 the historic mine residue is located; or~~

20 ~~(ii) a portion of that abandoned mine  
 21 site;~~

22 ~~(B) had no role in the creation of the his-  
 23 toric mine residue; and~~

24 ~~(C) is not potentially liable under any Fed-  
 25 eral, State, Tribal, or local law for the remedi-~~

1           ation, treatment, or control of the historic mine  
2           residue.

3           (8) GOOD SAMARITAN PERMIT.—The term  
4           “Good Samaritan permit” means a permit granted  
5           by the Administrator under section 4(a)(1).

6           (9) HISTORIC MINE RESIDUE.—

7           (A) IN GENERAL.—The term “historic  
8           mine residue” means mine residue or any con-  
9           dition at an abandoned mine site resulting from  
10          hardrock mining activities.

11          (B) INCLUSIONS.—The term “historic  
12          mine residue” includes—

13               (i) previously mined ores and minerals  
14               other than coal that contribute to acid  
15               mine drainage or other pollution;

16               (ii) equipment (including materials in  
17               equipment);

18               (iii) any tailings, heap leach piles,  
19               dump leach piles, waste rock, overburden,  
20               slag piles, or other waste or material re-  
21               sulting from any extraction, beneficiation,  
22               or other processing activity that occurred  
23               during the active operation of an aban-  
24               doned mine site;

1 (iv) any acidic or otherwise polluted  
2 flow in surface water or groundwater that  
3 originates from, or is pooled and contained  
4 in, an inactive or abandoned mine site,  
5 such as underground workings, open pits,  
6 in-situ leaching operations, ponds, or im-  
7 poundments;

8 (v) any hazardous substance (as de-  
9 fined in section 101 of the Comprehensive  
10 Environmental Response, Compensation,  
11 and Liability Act of 1980 (42 U.S.C.  
12 9601));

13 (vi) any pollutant or contaminant (as  
14 defined in section 101 of the Comprehen-  
15 sive Environmental Response, Compensa-  
16 tion, and Liability Act of 1980 (42 U.S.C.  
17 9601)); and

18 (vii) any pollutant (as defined in sec-  
19 tion 502 of the Federal Water Pollution  
20 Control Act (33 U.S.C. 1362)).

21 (10) INDIAN TRIBE.—The term “Indian tribe”  
22 has the meaning given the term in section 518(h) of  
23 the Federal Water Pollution Control Act (33 U.S.C.  
24 1377(h)).

1           (11) INVESTIGATIVE SAMPLING PERMIT.—The  
2 term “investigative sampling permit” means a per-  
3 mit granted by the Administrator under section  
4 4(d)(1).

5           (12) PERSON.—The term “person” means any  
6 entity described in—

7           (A) section 502(5) of the Federal Water  
8 Pollution Control Act (33 U.S.C. 1362(5)); and

9           (B) section 101(21) of the Comprehensive  
10 Environmental Response, Compensation, and  
11 Liability Act of 1980 (42 U.S.C. 9601(21)).

12          (13) REMEDIATION.—

13           (A) IN GENERAL.—The term “remedi-  
14 ation” means any action taken to investigate,  
15 characterize, or cleanup, in whole or in part, a  
16 discharge, release, or threat of release of a haz-  
17 ardous substance, pollutant, or contaminant  
18 into the environment at or from an abandoned  
19 mine site, or to otherwise protect and improve  
20 human health and the environment.

21           (B) INCLUSION.—The term “remediation”  
22 includes any action to remove, treat, or contain  
23 historic mine residue to prevent, minimize, or  
24 reduce—

1 (i) the release or threat of release of  
2 a hazardous substance, pollutant, or con-  
3 taminant that would harm human health  
4 or the environment; or

5 (ii) a migration or discharge of a haz-  
6 ardous substance, pollutant, or contami-  
7 nant that would harm human health or the  
8 environment.

9 (C) EXCLUSION.—The term “remediation”  
10 does not include any action that requires plug-  
11 ging, opening, or otherwise altering the portal  
12 or adit of the abandoned mine site.

13 (14) RESERVATION.—The term “reservation”  
14 has the meaning given the term “Indian country” in  
15 section 1151 of title 18, United States Code.

16 (15) RESPONSIBLE OWNER OR OPERATOR.—  
17 The term “responsible owner or operator” means a  
18 person that is—

19 (A)(i) legally responsible under section 301  
20 of the Federal Water Pollution Control Act (33  
21 U.S.C. 1311) for a discharge that originates  
22 from an abandoned mine site; and

23 (ii) financially able to comply with each re-  
24 quirement described in that section; or

1           (B)(i) a present or past owner or operator  
 2           or other person that is liable with respect to a  
 3           release or threat of release of a hazardous sub-  
 4           stance, pollutant, or contaminant associated  
 5           with the historic mine residue at or from an  
 6           abandoned mine site under section 104, 106,  
 7           107, or 113 of the Comprehensive Environ-  
 8           mental Response, Compensation, and Liability  
 9           Act of 1980 (42 U.S.C. 9604, 9606, 9607,  
 10          9613); and

11           (ii) financially able to comply with each re-  
 12          quirement described in those sections, as appli-  
 13          cable.

14 **SEC. 3. SCOPE.**

15          Nothing in this Act—

16           (1) except as provided in section 4(n), reduces  
 17          any existing liability under Federal, State, or local  
 18          law;

19           (2) except as provided in section 4(n), releases  
 20          any person from liability under Federal, State, or  
 21          local law, except in compliance with this Act;

22           (3) authorizes the conduct of any mining or  
 23          processing other than the conduct of any processing  
 24          of previously mined ores, minerals, wastes, or other

1 materials that is authorized by a Good Samaritan  
2 permit;

3 (4) imposes liability on the United States or a  
4 Federal land management agency pursuant to sec-  
5 tion 107 of the Comprehensive Environmental Re-  
6 sponse, Compensation, and Liability Act of 1980 (42  
7 U.S.C. 9607) or section 301 of the Federal Water  
8 Pollution Control Act (33 U.S.C. 1311); or

9 (5) relieves the United States or any Federal  
10 land management agency from any liability under  
11 section 107 of the Comprehensive Environmental  
12 Response, Compensation, and Liability Act of 1980  
13 (42 U.S.C. 9607) or section 301 of the Federal  
14 Water Pollution Control Act (33 U.S.C. 1311) that  
15 exists apart from any action undertaken pursuant to  
16 this Act.

17 **SEC. 4. ABANDONED MINE SITE GOOD SAMARITAN PILOT**  
18 **PROJECT AUTHORIZATION.**

19 (a) ESTABLISHMENT.—

20 (1) IN GENERAL.—The Administrator shall es-  
21 tablish a pilot program under which the Adminis-  
22 trator shall grant not more than 15 Good Samaritan  
23 permits to carry out projects to remediate historic  
24 mine residue at any portions of abandoned mine  
25 sites in accordance with this Act.

1           (2) OVERSIGHT OF PERMITS.—The Adminis-  
2           trator may oversee the remediation project under  
3           paragraph (1); and any action taken by the applica-  
4           ble Good Samaritan or any cooperating person  
5           under the applicable Good Samaritan permit, for the  
6           duration of the Good Samaritan permit, as the Ad-  
7           ministrator determines to be necessary to review the  
8           status of the project.

9           (3) SUNSET.—

10           (A) IN GENERAL.—Except as provided in  
11           subparagraph (B), the pilot program described  
12           in paragraph (1) shall terminate on the date  
13           that is 7 years after the date of enactment of  
14           this Act.

15           (B) EXCEPTION.—Notwithstanding sub-  
16           paragraph (A), the Administrator may grant a  
17           Good Samaritan permit pursuant to this Act  
18           after the date identified in subparagraph (A) if  
19           the application for the Good Samaritan per-  
20           mit—

21                   (i) was submitted not later than 180  
22                   days before that date; and

23                   (ii) was completed in accordance with  
24                   subsection (c) by not later than 7 years  
25                   after the date of enactment of this Act.

1           ~~(C) EFFECT ON CERTAIN PERMITS.—~~Any  
2           Good Samaritan permit granted by the deadline  
3           prescribed in subparagraph ~~(A)~~ or ~~(B)~~, as ap-  
4           plicable, that is in effect on the date that is 7  
5           years after the date of enactment of this Act  
6           shall remain in effect after that date in accord-  
7           ance with—

8                         (i) the terms and conditions of the  
9                         Good Samaritan permit; and

10                        (ii) this Act.

11           ~~(b) GOOD SAMARITAN PERMIT ELIGIBILITY.—~~

12                        ~~(1) IN GENERAL.—~~To be eligible to receive a  
13           Good Samaritan permit to carry out a project to re-  
14           mediate an abandoned mine site, a person shall dem-  
15           onstrate that—

16                        ~~(A)~~ the abandoned mine site that is the  
17           subject of the application for a Good Samaritan  
18           permit is located in the United States;

19                        ~~(B)~~ the purpose of the proposed project is  
20           the remediation at that abandoned mine site of  
21           historic mine residue;

22                        ~~(C)~~ the proposed activities are designed to  
23           result in the partial, interim, or complete reme-  
24           diation of historic mine residue at the aban-  
25           doned mine site;

1           ~~(D)~~ the proposed project poses a low risk  
2 to the environment;

3           ~~(E)~~ to the satisfaction of the Adminis-  
4 trator, the person—

5           (i) possesses, or has the ability to se-  
6 cure, the financial and other resources nec-  
7 essary—

8           (I) to complete the permitted  
9 work, as determined by the Adminis-  
10 trator; and

11           (II) to address any contingencies  
12 identified in the Good Samaritan per-  
13 mit application described in subsection  
14 ~~(e)~~;

15           (ii) possesses the proper and appro-  
16 priate experience and capacity to complete  
17 the permitted work; and

18           (iii) will complete the permitted work;  
19 and

20           ~~(F)~~ the person is a Good Samaritan with  
21 respect to the historic mine residue proposed to  
22 be covered by the Good Samaritan permit.

23           ~~(2)~~ IDENTIFICATION OF ALL RESPONSIBLE  
24 OWNERS OR OPERATORS.—

1           (A) ~~IN GENERAL.~~—A Good Samaritan  
2 shall make reasonable and diligent efforts to  
3 identify, from a review of publicly available in-  
4 formation in land records or on internet  
5 websites of Federal, State, and local regulatory  
6 authorities, all responsible owners or operators  
7 of an abandoned mine site proposed to be reme-  
8 diated by the Good Samaritan under this sec-  
9 tion.

10           (B) ~~EXISTING RESPONSIBLE OWNER OR~~  
11 ~~OPERATOR.~~—If the Administrator determines,  
12 based on information provided by a Good Sa-  
13 maritan or otherwise, that a responsible owner  
14 or operator exists for an abandoned mine site  
15 proposed to be remediated by the Good Samari-  
16 tan, the Administrator shall deny the applica-  
17 tion for a Good Samaritan permit.

18           (c) ~~APPLICATION FOR PERMITS.~~—To obtain a Good  
19 Samaritan permit, a person shall submit to the Adminis-  
20 trator an application, signed by the person and any co-  
21 operating person, that provides, to the extent known or  
22 reasonably discoverable by the person on the date on which  
23 the application is submitted—

24           (1) a description of the abandoned mine site  
25           (including the boundaries of the abandoned mine

1 site) proposed to be covered by the Good Samaritan  
2 permit;

3 (2) a description of all parties proposed to be  
4 involved in the remediation project, including any co-  
5 operating person and each member of an applicable  
6 corporation, association, partnership, consortium,  
7 joint venture, commercial entity, or nonprofit asso-  
8 ciation;

9 (3) evidence that the person has or will acquire  
10 all legal rights or the authority necessary to enter  
11 the relevant abandoned mine site and perform the  
12 remediation described in the application;

13 (4) a detailed description of the historic mine  
14 residue to be remediated;

15 (5) a detailed description of the expertise and  
16 experience of the person and the resources available  
17 to the person to successfully implement and com-  
18 plete the remediation plan under paragraph (7);

19 (6) to the satisfaction of the Administrator and  
20 subject to subsection (d), a description of the base-  
21 line environmental conditions, including potentially  
22 affected surface water quality and hydrological con-  
23 ditions, affected by the historic mine residue to be  
24 remediated that includes—

1           (A) the nature and extent of any adverse  
2 impact on the water quality of any body of  
3 water caused by the drainage of historic mine  
4 residue or other discharges from the abandoned  
5 mine site;

6           (B) the flow rate and concentration of any  
7 drainage of historic mine residue or other dis-  
8 charge from the abandoned mine site in any  
9 body of water that has resulted in an adverse  
10 impact described in subparagraph (A); and

11           (C) any other release or threat of release  
12 of historic mine residue that has resulted in an  
13 adverse impact to public health or the environ-  
14 ment;

15           (7) subject to subsection (d), a remediation  
16 plan for the abandoned mine site that describes—

17           (A) the nature and scope of the proposed  
18 remediation activities, including—

19                   (i) any historic mine residue to be ad-  
20 dressed by the remediation plan; and

21                   (ii) a description of the goals of the  
22 remediation including, if applicable, with  
23 respect to—

1                   (I) the reduction or prevention of  
2                   a release, threat of release, or dis-  
3                   charge to surface waters; or

4                   (II) other appropriate goals relat-  
5                   ing to water or soil;

6                   (B) each activity that the person proposes  
7                   to take that is designed—

8                   (i) to improve or enhance water qual-  
9                   ity or site-specific soil quality relevant to  
10                  the historic mine residue addressed by the  
11                  remediation plan, including making meas-  
12                  urable progress toward achieving applicable  
13                  water quality standards; or

14                  (ii) to otherwise protect human health  
15                  and the environment (including through  
16                  the prevention of a release, discharge, or  
17                  threat of release to water or soil);

18                  (C) the monitoring or other form of assess-  
19                  ment that will be undertaken by the person to  
20                  evaluate the success of the activities described  
21                  in subparagraph (A) during and after the reme-  
22                  diation, with respect to the baseline conditions,  
23                  as described in paragraph (6);

1           (D) to the satisfaction of the Adminis-  
2           trator, detailed engineering plans for the  
3           project;

4           (E) detailed plans for any proposed recy-  
5           cling or reprocessing of historic mine residue to  
6           be conducted by the person (including a de-  
7           scription of how all proposed recycling or re-  
8           processing activities contribute to the remedi-  
9           ation of the abandoned mine site); and

10          (F) identification of any proposed con-  
11          tractor that will perform any remediation activ-  
12          ity;

13          (8) subject to subsection (d), a schedule for the  
14          work to be carried out under the project, including  
15          a schedule for periodic reporting by the person on  
16          the remediation of the abandoned mine site;

17          (9) a health and safety plan that is specifically  
18          designed for mining remediation work;

19          (10) a specific contingency plan that—

20                 (A) includes provisions on response and  
21                 notification to Federal, State, and local authori-  
22                 ties with jurisdiction over downstream waters  
23                 that have the potential to be impacted by an  
24                 unplanned release or discharge of hazardous  
25                 substances, pollutants, or contaminants; and

1           (B) is designed to respond to unplanned  
2           adverse events (such as potential fluid release  
3           that may result from addressing pooled water  
4           or hydraulic pressure situations); including the  
5           sudden release of historic mine residue;

6           (11) subject to subsection (d), a project budget  
7           and description of financial resources that dem-  
8           onstrate that the permitted work, including any op-  
9           eration and maintenance, will be completed;

10          (12) subject to subsection (d), information dem-  
11          onstrating that the applicant has the financial re-  
12          sources to carry out the remediation (including any  
13          long-term monitoring that may be required by the  
14          Good Samaritan permit) or the ability to secure an  
15          appropriate third-party financial assurance, as deter-  
16          mined by the Administrator, to ensure completion of  
17          the permitted work, including any long-term oper-  
18          ations and maintenance of remediation activities  
19          that may be—

20                (A) proposed in the application for the  
21                Good Samaritan permit; or

22                (B) required by the Administrator as a  
23                condition of granting the permit;

1           (13) subject to subsection (d), a detailed plan  
2 for any required operation and maintenance of any  
3 remediation, including a timeline, if necessary;

4           (14) subject to subsection (d), a description of  
5 any planned post-remediation monitoring, if nec-  
6 essary; and

7           (15) subject to subsection (d), any other appro-  
8 priate information, as determined by the Adminis-  
9 trator or the applicant.

10 ~~(d) INVESTIGATIVE SAMPLING.—~~

11           ~~(1) INVESTIGATIVE SAMPLING PERMITS.—The~~  
12 ~~Administrator may grant an investigative sampling~~  
13 ~~permit for a period determined by the Administrator~~  
14 ~~to authorize a Good Samaritan to conduct investiga-~~  
15 ~~tive sampling of historic mine residue, soil, or water~~  
16 ~~to determine—~~

17                   ~~(A) baseline conditions; and~~

18                   ~~(B) whether the Good Samaritan—~~

19                           ~~(i) is willing to perform further reme-~~  
20 ~~diation to address the historic mine res-~~  
21 ~~idue; and~~

22                           ~~(ii) will proceed with a permit conver-~~  
23 ~~sion under subsection (e)(1).~~

24           ~~(2) NUMBER OF PERMITS.—~~

1           (A) LIMITATION.— Subject to subpara-  
2 graph (B), the Administrator may grant not  
3 more than 15 investigative sampling permits.

4           (B) APPLICABILITY TO CONVERTED PER-  
5 MITS.—An investigative sampling permit that is  
6 not converted to a Good Samaritan permit pur-  
7 suant to paragraph (6) may be eligible for  
8 reissuance by the Administrator subject to the  
9 overall total of not more than 15 investigative  
10 sampling permits allowed at any 1 time de-  
11 scribed in subparagraph (A).

12          (3) APPLICATION.—If a Good Samaritan pro-  
13 poses to conduct investigative sampling, the Good  
14 Samaritan shall submit to the Administrator an in-  
15 vestigative sampling permit application that con-  
16 tains, to the satisfaction of the Administrator—

17           (A) each description required under para-  
18 graphs (1), (2), (5), and (6) of subsection (e);

19           (B) the evidence required under subsection  
20 (e)(3);

21           (C) each plan required under paragraphs  
22 (9) and (10) of subsection (e); and

23           (D) a detailed plan of the investigative  
24 sampling.

25          (4) REQUIREMENTS.—

1           (A) IN GENERAL.—If a person submits an  
2 application that proposes only investigative  
3 sampling of historic mine residue, soil, or water  
4 that only includes the requirements described in  
5 paragraph (1), the Administrator may only  
6 grant an investigative sampling permit that au-  
7 thorizes the person only to carry out the plan  
8 of investigative sampling of historic mine res-  
9 idue, soil, or water, as described in the inves-  
10 tigative sampling permit application under  
11 paragraph (3).

12           (B) REPROCESSING.—An investigative  
13 sampling permit—

14               (i) shall not authorize a Good Samari-  
15 tan or cooperating person to conduct any  
16 reprocessing of material; and

17               (ii) may authorize metallurgical test-  
18 ing of historic mine residue to determine  
19 whether reprocessing under subsection  
20 (f)(4)(B) is feasible.

21           (C) REQUIREMENTS RELATING TO SAM-  
22 PLES.—In conducting investigative sampling of  
23 historic mine residue, soil, or water, a Good Sa-  
24 maritan shall—

1 (i) collect samples that are representa-  
2 tive of the conditions present at the aban-  
3 doned mine site that is the subject of the  
4 investigative sampling permit; and

5 (ii) retain publicly available records of  
6 all sampling events for a period of not less  
7 than 3 years.

8 ~~(5) POST-SAMPLING REMEDIATION.—~~

9 ~~(A) REFUSAL TO CONVERT PERMIT.—~~Sub-  
10 ject to subparagraph (B), a Good Samaritan  
11 who obtains an investigative sampling permit  
12 may decline—

13 (i) to apply to convert the investiga-  
14 tive sampling permit into a Good Samari-  
15 tan permit under paragraph (6); and

16 (ii) to undertake remediation activities  
17 on the site where investigative sampling  
18 was conducted on conclusion of investiga-  
19 tive sampling.

20 ~~(B) RETURN TO PREEXISTING CONDI-~~  
21 ~~TIONS.—~~If the activities carried out by a Good  
22 Samaritan under an investigative sampling per-  
23 mit result in surface water quality conditions,  
24 or any other environmental or safety conditions,  
25 that are worse than the preexisting conditions

1 of the applicable abandoned mine site due to  
2 historic mine residue at the abandoned mine  
3 site, the Good Samaritan shall return the aban-  
4 doned mine site to those preexisting conditions.

5 (6) PERMIT CONVERSION.—Not later than 1  
6 year after the date on which the investigative sam-  
7 pling under the investigative sampling permit con-  
8 cludes, a Good Samaritan to whom an investigative  
9 sampling permit is granted under paragraph (1)  
10 may apply to convert an investigative sampling per-  
11 mit into a Good Samaritan permit under subsection  
12 (e)(1).

13 (e) INVESTIGATIVE SAMPLING CONVERSION.—

14 (1) IN GENERAL.—A person to which an inves-  
15 tigative sampling permit was granted may submit to  
16 the Administrator an application in accordance with  
17 paragraph (2) to convert the investigative sampling  
18 permit into a Good Samaritan permit.

19 (2) APPLICATION.—

20 (A) INVESTIGATIVE SAMPLING.—An appli-  
21 cation for the conversion of an investigative  
22 sampling permit under paragraph (1) shall in-  
23 clude any requirement described in subsection  
24 (e) that was not included in full in the applica-  
25 tion submitted under subsection (d)(3).

1           ~~(B) PUBLIC NOTICE AND COMMENT.—An~~  
 2           ~~application for permit conversion under this~~  
 3           ~~paragraph shall be subject to—~~

4                   ~~(i) environmental review and public~~  
 5                   ~~comment procedures required by sub-~~  
 6                   ~~section (1); and~~

7                   ~~(ii) a public hearing, if requested.~~

8           ~~(f) CONTENT OF PERMITS.—~~

9           ~~(1) IN GENERAL.—A Good Samaritan permit~~  
 10           ~~shall contain—~~

11                   ~~(A) the information described in subsection~~  
 12                   ~~(e), including any modification required by the~~  
 13                   ~~Administrator;~~

14                   ~~(B)(i) a provision that states that the~~  
 15                   ~~Good Samaritan is responsible for securing, for~~  
 16                   ~~all activities authorized under the Good Samari-~~  
 17                   ~~tan permit, all authorizations, licenses, and per-~~  
 18                   ~~mits that are required under applicable law ex-~~  
 19                   ~~cept for—~~

20                           ~~(I) section 301, 302, 306, 307, 402,~~  
 21                           ~~or 404 of the Federal Water Pollution~~  
 22                           ~~Control Act (33 U.S.C. 1311, 1312, 1316,~~  
 23                           ~~1317, 1342, 1344); and~~

24                           ~~(II) authorizations, licenses, and per-~~  
 25                           ~~mits that would not need to be obtained if~~

1 the remediation was conducted pursuant to  
2 section 121 of the Comprehensive Environ-  
3 mental Response, Compensation, and Li-  
4 ability Act of 1980 (42 U.S.C. 9621); or

5 (ii) in the case of an abandoned mine site  
6 in a State that is authorized to implement State  
7 law pursuant to section 402 or 404 of the Fed-  
8 eral Water Pollution Control Act (33 U.S.C.  
9 1342, 1344) or on land of an Indian tribe that  
10 is authorized to implement Tribal law pursuant  
11 to that section, a provision that states that the  
12 Good Samaritan is responsible for securing, for  
13 all activities authorized under the Good Samari-  
14 tan permit, all authorizations, licenses, and per-  
15 mits that are required under applicable law, ex-  
16 cept for—

17 (I) the State or Tribal law, as applica-  
18 ble; and

19 (II) authorizations, licenses, and per-  
20 mits that would not need to be obtained if  
21 the remediation was conducted pursuant to  
22 section 121 of the Comprehensive Environ-  
23 mental Response, Compensation, and Li-  
24 ability Act of 1980 (42 U.S.C. 9621);

1           (C) specific public notification require-  
 2           ments, including the contact information for all  
 3           appropriate response centers in accordance with  
 4           subsection (o);

5           (D) in the case of a project on land owned  
 6           by the United States, a notice that the Good  
 7           Samaritan permit serves as an agreement for  
 8           use and occupancy of Federal land that is en-  
 9           forceable by the applicable Federal land man-  
 10          agement agency; and

11          (E) any other terms and conditions deter-  
 12          mined to be appropriate by the Administrator  
 13          or the Federal land management agency, as ap-  
 14          plicable.

15          (2) ~~FORCE MAJEURE.~~—A Good Samaritan per-  
 16          mit may include, at the request of the Good Samari-  
 17          tan, a provision that a Good Samaritan may assert  
 18          a claim of force majeure for any violation of the  
 19          Good Samaritan permit caused solely by—

20                 (A) an act of God;

21                 (B) an act of war;

22                 (C) negligence on the part of the United  
 23                 States;

24                 (D) an act or omission of a third party, if  
 25                 the Good Samaritan—

1           (i) exercises due care with respect to  
 2           the actions of the Good Samaritan under  
 3           the Good Samaritan permit, as determined  
 4           by the Administrator;

5           (ii) took precautions against foresee-  
 6           able acts or omissions of the third party,  
 7           as determined by the Administrator; and

8           (iii) uses reasonable efforts—

9           (I) to anticipate any potential  
 10          force majeure; and

11          (II) to address the effects of any  
 12          potential force majeure; or

13          (E) a public health emergency declared by  
 14          the Federal Government or a global govern-  
 15          ment, such as a pandemic or an epidemic.

16          (3) MONITORING.—

17          (A) IN GENERAL.—The Good Samaritan  
 18          shall take such actions as the Good Samaritan  
 19          permit requires to ensure appropriate baseline  
 20          monitoring, monitoring during the remediation  
 21          project, and post-remediation monitoring of the  
 22          environment under paragraphs (6), (7), and  
 23          (15), respectively, of subsection (c).

24          (B) MULTIPARTY MONITORING.—The Ad-  
 25          ministrator may approve in a Good Samaritan

1 permit the monitoring by multiple cooperating  
 2 persons if, as determined by the Adminis-  
 3 trator—

4 (i) the multiparty monitoring will ef-  
 5 fectively accomplish the goals of this see-  
 6 tion; and

7 (ii) the Good Samaritan remains re-  
 8 sponsible for compliance with the terms of  
 9 the Good Samaritan permit.

10 (4) OTHER DEVELOPMENT.—

11 (A) NO AUTHORIZATION OF MINING AC-  
 12 TIVITIES.—No mineral exploration, processing,  
 13 beneficiation, or mining shall be—

14 (i) authorized by this Act; or

15 (ii) covered by any waiver of liability  
 16 provided by this Act from applicable law.

17 (B) REPROCESSING OF MATERIALS.—A  
 18 Good Samaritan may reprocess materials recov-  
 19 ered during the implementation of a remedi-  
 20 ation plan only if—

21 (i) the project under the Good Samar-  
 22 itan permit is on land owned by the United  
 23 States;

24 (ii) the applicable Federal land man-  
 25 agement agency has signed a decision doc-

1                    ument under subsection ~~(1)(2)(G)~~ approv-  
 2                    ing reprocessing as part of a remediation  
 3                    plan;

4                    (iii) the proceeds from the sale or use  
 5                    of the materials are used—

6                    ~~(I)~~ to defray the costs of the re-  
 7                    mediation; and

8                    ~~(II)~~ to the extent required by the  
 9                    Good Samaritan permit, to reimburse  
 10                    the Administrator or the head of a  
 11                    Federal land management agency for  
 12                    the purpose of carrying out this Act;

13                    ~~(iv)~~ any remaining proceeds are de-  
 14                    posited into the appropriate Good Samari-  
 15                    tan Mine Remediation Fund established by  
 16                    section 5(a); and

17                    ~~(v)~~ the materials only include historic  
 18                    mine residue.

19                    ~~(C) CONNECTION WITH OTHER ACTIVI-~~  
 20                    ~~TIES.~~—The commingling or association of any  
 21                    other discharge of water or historic mine res-  
 22                    idue or any activity, project, or operation con-  
 23                    ducted on or after the date of enactment of this  
 24                    Act with any aspect of a project subject to a  
 25                    Good Samaritan permit shall not limit or re-

1           duce the liability of any person associated with  
2           the other discharge of water or historic mine  
3           residue or activity, project, or operation.

4           (g) ~~ADDITIONAL WORK.~~—A Good Samaritan permit  
5           may allow the Good Samaritan to return to the abandoned  
6           mine site after the completion of the remediation to per-  
7           form operations and maintenance or other work—

8                 (1) to ensure the functionality of the abandoned  
9           mine site; or

10                (2) to protect public health and the environ-  
11           ment.

12           (h) ~~TIMING.~~—Work authorized under a Good Samar-  
13           itan permit—

14                 (1) shall commence, as applicable—

15                         (A) not later than the date that is 18  
16           months after the date on which the Adminis-  
17           trator granted the Good Samaritan permit, un-  
18           less the Administrator grants an extension  
19           under subsection (r)(2)(A); or

20                         (B) if the grant of the Good Samaritan  
21           permit is the subject of a petition for judicial  
22           review, not later than the date that is 18  
23           months after the date on which the judicial re-  
24           view, including any appeals, has concluded; and

1           (2) shall continue until completed, with tem-  
 2           porary suspensions permitted during adverse weath-  
 3           er or other conditions specified in the Good Samari-  
 4           tan permit.

5           (i) TRANSFER OF PERMITS.—A Good Samaritan per-  
 6           mit may be transferred to another person only if—

7           (1) the Administrator determines that the  
 8           transferee qualifies as a Good Samaritan;

9           (2) the transferee signs, and agrees to be bound  
 10          by the terms of, the permit;

11          (3) the Administrator includes in the trans-  
 12          ferred permit any additional conditions necessary to  
 13          meet the goals of this section; and

14          (4) in the case of a project under the Good Sa-  
 15          maritan permit on land owned by the United States,  
 16          the head of the applicable Federal land management  
 17          agency approves the transfer.

18          (j) ROLE OF ADMINISTRATOR AND FEDERAL LAND  
 19          MANAGEMENT AGENCIES.—In carrying out this section—

20          (1) the Administrator shall—

21                  (A) consult with prospective applicants;

22                  (B) convene, coordinate, and lead the ap-  
 23                  plication review process;

24                  (C) maintain all records relating to the  
 25                  Good Samaritan permit and the permit process;

1           ~~(D)~~ in the case of a proposed project on  
2 State, Tribal, or private land, provide an oppor-  
3 tunity for cooperating persons and the public to  
4 participate in the Good Samaritan permit proc-  
5 ess, including—

6                   (i) carrying out environmental review  
7 and public comment procedures pursuant  
8 to subsection (1); and

9                   (ii) a public hearing, if requested; and

10           ~~(E)~~ enforce and otherwise carry out this  
11 section; and

12           ~~(2)~~ the head of an applicable Federal land man-  
13 agement agency shall—

14           ~~(A)~~ in the case of a proposed project on  
15 land owned by the United States, provide an  
16 opportunity for cooperating persons and the  
17 public to participate in the Good Samaritan  
18 permit process, including—

19                   (i) carrying out environmental review  
20 and public comment procedures pursuant  
21 to subsection (1); and

22                   (ii) a public hearing, if requested; and

23           ~~(B)~~ in coordination with the Adminis-  
24 trator, enforce Good Samaritan permits issued

1           under this section for projects on land owned by  
2           the United States.

3           (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

4 As soon as practicable, but not later than 14 days after  
5 the date on which the Administrator receives an applica-  
6 tion for the remediation of an abandoned mine site under  
7 this section, the Administrator shall provide notice and a  
8 copy of the application to—

9           (1) each local government with jurisdiction over  
10          a drinking water utility, and each Indian tribe with  
11          reservation or off-reservation treaty rights to land or  
12          water, located downstream from a proposed remedi-  
13          ation project that is reasonably anticipated to be ad-  
14          versely impacted by a potential release of contami-  
15          nants from the abandoned mine site, as determined  
16          by the Administrator;

17          (2) each Federal, State, and Tribal agency that  
18          may have an interest in the application; and

19          (3) in the case of an abandoned mine site that  
20          is located partially or entirely on land owned by the  
21          United States, the Federal land management agency  
22          with jurisdiction over that land.

23           (l) ENVIRONMENTAL REVIEW AND PUBLIC COM-  
24          MENT.—

1           (1) IN GENERAL.—Before the issuance of a  
2           Good Samaritan permit to carry out a project for  
3           the remediation of an abandoned mine site, the Ad-  
4           ministrators shall ensure that environmental review  
5           and public comment procedures are carried out with  
6           respect to the proposed project.

7           (2) RELATION TO NEPA.—

8           (A) MAJOR FEDERAL ACTION.—Subject to  
9           subparagraph (F), the issuance or modification  
10          of a Good Samaritan permit by the Adminis-  
11          trator shall be considered a major Federal ac-  
12          tion for purposes of section 102 of the National  
13          Environmental Policy Act of 1969 (42 U.S.C.  
14          4332).

15          (B) LEAD AGENCY.—The lead agency for  
16          purposes of an environmental assessment and  
17          public comment under this subsection shall  
18          be—

19                 (i) in the case of a proposed project  
20                 on land owned by the United States, the  
21                 applicable Federal land management agen-  
22                 cy; and

23                 (ii) in the case of a proposed project  
24                 on State, Tribal, or private land, the Ad-  
25                 ministrators.

1           (C) COORDINATION.—To the maximum ex-  
2           tent practicable, the lead agency described in  
3           subparagraph (B) shall coordinate procedures  
4           under the National Environmental Policy Act of  
5           1969 (42 U.S.C. 4321 et seq.) with State, Trib-  
6           al, and Federal cooperating agencies, as appli-  
7           cable.

8           (D) COOPERATING AGENCY.—In the case  
9           of a proposed project on land owned by the  
10          United States, the Administrator shall be a co-  
11          operating agency for purposes of an environ-  
12          mental assessment and public comment under  
13          this subsection.

14          (E) SINGLE NEPA DOCUMENT.—The lead  
15          agency described in subparagraph (B) may con-  
16          duct a single environmental assessment for—

17               (i) the issuance of a Good Samaritan  
18               permit;

19               (ii) any activities authorized by a  
20               Good Samaritan permit; and

21               (iii) any applicable permits required  
22               by the Secretary of the Interior or the Sec-  
23               retary of Agriculture.

24          (F) NO SIGNIFICANT IMPACT.—

1 (i) IN GENERAL.—A Good Samaritan  
2 permit may only be issued if, after an envi-  
3 ronmental assessment, the head of the lead  
4 agency issues a finding of no significant  
5 impact.

6 (ii) SIGNIFICANT IMPACT.—If the  
7 head of the lead agency determines that a  
8 project would likely have a significant im-  
9 pact on the environment, the head of the  
10 lead agency shall not issue a Good Samari-  
11 tan permit for the proposed project.

12 (G) DECISION DOCUMENT.—An approval  
13 or denial of a Good Samaritan permit may be  
14 issued as a single decision document that is  
15 signed by—

16 (i) the Administrator; and

17 (ii) in the case of a project on land  
18 owned by the United States, the head of  
19 the applicable Federal land management  
20 agency.

21 (H) LIMITATION.—Nothing in this para-  
22 graph exempts the Secretary of Agriculture or  
23 the Secretary of the Interior, as applicable,  
24 from any other requirements of section 102 of

1 the National Environmental Policy Act of 1969  
2 (42 U.S.C. 4332).

3 ~~(m) PERMIT GRANT.—~~

4 ~~(1) IN GENERAL.—~~The Administrator may  
5 grant a Good Samaritan permit to carry out a  
6 project for the remediation of an abandoned mine  
7 site only if—

8 ~~(A) the Administrator determines that—~~

9 ~~(i) the person seeking the permit is a~~  
10 ~~Good Samaritan;~~

11 ~~(ii) the application described in sub-~~  
12 ~~section (e) is complete;~~

13 ~~(iii) the project is designed to reme-~~  
14 ~~diating historic mine residue at the aban-~~  
15 ~~doned mine site to protect public health~~  
16 ~~and the environment;~~

17 ~~(iv) the proposed project is designed~~  
18 ~~to meet all other goals, as determined by~~  
19 ~~the Administrator, including any goals set~~  
20 ~~forth in the application for the Good Sa-~~  
21 ~~maritan permit that are accepted by the~~  
22 ~~Administrator;~~

23 ~~(v) the proposed activities, as com-~~  
24 ~~pared to the baseline conditions described~~

1 in subsection (c)(6), will make measurable  
2 progress toward achieving—

3 (I) applicable water quality  
4 standards;

5 (II) improved soil quality;

6 (III) other improved environ-  
7 mental or safety conditions; or

8 (IV) reductions in threats to soil  
9 quality or other environmental or  
10 safety conditions;

11 (vi) the applicant has—

12 (I) demonstrated that the appli-  
13 cant has the proper and appropriate  
14 experience and capacity to complete  
15 the permitted work;

16 (II) demonstrated that the appli-  
17 cant will complete the permitted work;

18 (III) the financial and other re-  
19 sources to address any contingencies  
20 identified in the Good Samaritan per-  
21 mit application described in sub-  
22 sections (b) and (c);

23 (IV) granted access and provided  
24 the authority to review the records of  
25 the applicant relevant to compliance

1 with the requirements of the Good Sa-  
2 maritan permit; and

3 (V) demonstrated, to the satisfac-  
4 tion of the Administrator, that—

5 (aa) the applicant has, or  
6 has access to, the financial re-  
7 sources to complete the project  
8 described in the Good Samaritan  
9 permit application, including any  
10 long-term monitoring and oper-  
11 ations and maintenance that the  
12 Administrator may require the  
13 applicant to perform in the Good  
14 Samaritan permit; or

15 (bb) the applicant has estab-  
16 lished a third-party financial as-  
17 surance mechanism, such as a  
18 corporate guarantee from a par-  
19 ent or other corporate affiliate,  
20 letter of credit, trust, surety  
21 bond, or insurance to assure that  
22 funds are available to complete  
23 the permitted work, including for  
24 operations and maintenance and

1 to address potential contin-  
2 gencies, that—

3 (AA) establishes the  
4 Administrator or the head of  
5 the Federal land manage-  
6 ment agency as the bene-  
7 ficiary of the third-party fi-  
8 nancial assurance mecha-  
9 nism; and

10 (BB) allows the Admin-  
11 istrator to retain and use  
12 the funds from the financial  
13 assurance mechanism in the  
14 event the Good Samaritan  
15 does not complete the reme-  
16 diation under the Good Sa-  
17 maritan permit; and

18 (vii) the project meets the require-  
19 ments of this Act;

20 (B) the State or Indian tribe with jurisdic-  
21 tion over land on which the abandoned mine  
22 site is located has been given an opportunity to  
23 review and, if necessary, comment on the grant  
24 of the Good Samaritan permit;

1           (C) in the case of a project proposed to be  
2 carried out under the Good Samaritan permit  
3 partially or entirely on land owned by the  
4 United States, pursuant to subsection (1), the  
5 head of the applicable Federal land manage-  
6 ment agency has signed a decision document  
7 approving the proposed project; and

8           (D) the Administrator or head of the Fed-  
9 eral land management agency, as applicable,  
10 has provided—

11           (i) environmental review and public  
12 comment procedures required by sub-  
13 section (1); and

14           (ii) a public hearing under that sub-  
15 section, if requested.

16       (2) DEADLINE.—

17           (A) IN GENERAL.—The Administrator  
18 shall grant or deny a Good Samaritan permit  
19 by not later than—

20           (i) the date that is 180 days after the  
21 date of receipt by the Administrator of an  
22 application for the Good Samaritan permit  
23 that, as determined by the Administrator,  
24 is complete and meets all applicable re-  
25 quirements of subsection (c); or

1           (ii) such later date as may be deter-  
2           mined by the Administrator with notifica-  
3           tion provided to the applicant.

4           ~~(B) CONSTRUCTIVE DENIAL.—~~If the Ad-  
5           ministrator fails to grant or deny a Good Sa-  
6           maritan permit by the applicable deadline de-  
7           scribed in subparagraph (A), the application  
8           shall be considered to be denied.

9           ~~(3) DISCRETIONARY ACTION.—~~The issuance of  
10          a permit by the Administrator and the approval of  
11          a project by the head of an applicable Federal land  
12          management agency shall be considered to be discre-  
13          tionary actions taken in the public interest.

14         ~~(n) EFFECT OF PERMITS.—~~

15                 ~~(1) IN GENERAL.—~~A Good Samaritan and any  
16                 cooperating person undertaking remediation activi-  
17                 ties identified in, carried out pursuant to, and in  
18                 compliance with, a covered permit—

19                 ~~(A)~~ shall be considered to be in compliance  
20                 with all requirements (including permitting re-  
21                 quirements) under the Federal Water Pollution  
22                 Control Act (~~33~~ U.S.C. 1251 et seq.) (including  
23                 any law or regulation implemented by a State  
24                 or Indian tribe under section 402 or 404 of  
25                 that Act (~~33~~ U.S.C. 1342, 1344)) and the Com-

1           prehensive Environmental Response, Compensa-  
2           tion, and Liability Act of 1980 (42 U.S.C. 9601  
3           et seq.) during the term of the Good Samaritan  
4           permit and after the termination of the Good  
5           Samaritan permit;

6           (B) shall not be required to obtain a per-  
7           mit under, or to comply with, section 301, 302,  
8           306, 307, 402, or 404 of the Federal Water  
9           Pollution Control Act (33 U.S.C. 1311, 1312,  
10          1316, 1317, 1342, 1344), or any State or Trib-  
11          al standards or regulations approved by the Ad-  
12          ministrators under those sections of that Act,  
13          during the term of the Good Samaritan permit  
14          and after the termination of the Good Samari-  
15          tan permit; and

16          (C) shall not be required to obtain any au-  
17          thorizations, licenses, or permits that would  
18          otherwise not need to be obtained if the remedi-  
19          ation was conducted pursuant to section 121 of  
20          the Comprehensive Environmental Response,  
21          Compensation, and Liability Act of 1980 (42  
22          U.S.C. 9621).

23          (2) UNAUTHORIZED ACTIVITIES.—

24                 (A) IN GENERAL.—Any person (including  
25                 a Good Samaritan or any cooperating person)

1 that carries out any activity, including activities  
 2 relating to mineral exploration, processing,  
 3 beneficiation, or mining, including development,  
 4 that is not authorized by the applicable Good  
 5 Samaritan permit shall be subject to all applica-  
 6 ble law.

7 (B) LIABILITY.—Any activity not author-  
 8 ized by a Good Samaritan permit, as deter-  
 9 mined by the Administrator, may be subject to  
 10 liability and enforcement under all applicable  
 11 law, including—

12 (i) the Federal Water Pollution Con-  
 13 trol Act (33 U.S.C. 1251 et seq.); and

14 (ii) the Comprehensive Environmental  
 15 Response, Compensation, and Liability Act  
 16 of 1980 (42 U.S.C. 9601 et seq.).

17 (3) NO ENFORCEMENT OR LIABILITY FOR GOOD  
 18 SAMARITANS.—

19 (A) IN GENERAL.—Subject to subpara-  
 20 graphs (D) and (E), a Good Samaritan or co-  
 21 operating person that is conducting a remedi-  
 22 ation activity identified in, pursuant to, and in  
 23 compliance with a covered permit shall not be  
 24 subject to enforcement or liability described in  
 25 subparagraph (B) for—

1 (i) any actions undertaken that are  
2 authorized by the covered permit; or

3 (ii) any past, present, or future re-  
4 leases, threats of releases, or discharges of  
5 hazardous substances, pollutants, or con-  
6 taminants at or from the abandoned mine  
7 site that is the subject of the covered per-  
8 mit (including any releases, threats of re-  
9 leases, or discharges that occurred prior to  
10 the grant of the covered permit).

11 (B) ENFORCEMENT OR LIABILITY DE-  
12 SCRIBED.—Enforcement or liability referred to  
13 in subparagraph (A) is enforcement, civil or  
14 criminal penalties, citizen suits and any liabil-  
15 ities for response costs, natural resource dam-  
16 age, or contribution under—

17 (i) the Federal Water Pollution Con-  
18 trol Act (33 U.S.C. 1251 et seq.) (includ-  
19 ing under any law or regulation adminis-  
20 tered by a State or Indian tribe under that  
21 Act); or

22 (ii) the Comprehensive Environmental  
23 Response, Compensation, and Liability Act  
24 of 1980 (42 U.S.C. 9601 et seq.).

1           (C) DURATION OF APPLICABILITY.—Sub-  
2 paragraph (A) shall apply during the term of  
3 the Good Samaritan permit and after termi-  
4 nation of the Good Samaritan permit.

5           (D) OTHER PARTIES.—Nothing in sub-  
6 paragraph (A) limits the liability of any person  
7 that is not described in that subparagraph.

8           (E) DECLINE IN ENVIRONMENTAL CONDI-  
9 TIONS.—Notwithstanding subparagraph (A), if  
10 a Good Samaritan or cooperating person fails  
11 to comply with any term, condition, or limita-  
12 tion of a covered permit and that failure results  
13 in surface water quality or other environmental  
14 conditions that are measurably worse than  
15 baseline conditions at the abandoned mine site,  
16 the Administrator shall—

17           (i) notify the Good Samaritan or co-  
18 operating person, as applicable, of the fail-  
19 ure to comply; and

20           (ii) require the Good Samaritan or the  
21 cooperating person, as applicable, to un-  
22 dertake reasonable measures, as deter-  
23 mined by the Administrator, to return sur-  
24 face water quality or other environmental  
25 conditions to those baseline conditions.

1           ~~(F) FAILURE TO CORRECT.~~—Subpara-  
2 graph (A) shall not apply to a Good Samaritan  
3 or cooperating person that fails to take any ac-  
4 tions required under subparagraph ~~(E)~~(ii) with-  
5 in a reasonable period of time, as established by  
6 the Administrator.

7           ~~(G) MINOR OR CORRECTED PERMIT VIOLA-~~  
8 ~~TIONS.~~—For purposes of this paragraph, the  
9 failure to comply with a term, condition, or lim-  
10 itation of a Good Samaritan permit or inves-  
11 tigative sampling permit shall not be considered  
12 a permit violation or noncompliance with that  
13 permit if—

14           (i) that failure or noncompliance does  
15 not result in a measurable adverse impact  
16 on water quality or other environmental  
17 conditions; or

18           (ii) the Good Samaritan or cooper-  
19 ating person complies with subparagraph  
20 ~~(E)~~(ii).

21       ~~(o) PUBLIC NOTIFICATION OF ADVERSE EVENT.~~—A  
22 Good Samaritan shall notify all appropriate Federal,  
23 State, Tribal, and local entities of any unplanned or pre-  
24 viously unknown release of historic mine residue caused

1 by the actions of the Good Samaritan or any cooperating  
2 person in accordance with—

3           (1) ~~section 103 of the Comprehensive Environ-~~  
4           ~~mental Response, Compensation, and Liability Act~~  
5           ~~of 1980 (42 U.S.C. 9603);~~

6           (2) ~~section 304 of the Emergency Planning and~~  
7           ~~Community Right-To-Know Act of 1986 (42 U.S.C.~~  
8           ~~11004);~~

9           (3) ~~the Federal Water Pollution Control Act~~  
10          ~~(33 U.S.C. 1251 et seq.);~~

11          (4) any other applicable provision of Federal  
12          law; and

13          (5) any other applicable provision of State,  
14          Tribal, or local law.

15          (p) ~~GRANT ELIGIBILITY.~~—A remediation project con-  
16          ducted under a Good Samaritan permit shall be eligible  
17          for funding pursuant to—

18               (1) ~~section 319 of the Federal Water Pollution~~  
19               ~~Control Act (33 U.S.C. 1329); and~~

20               (2) ~~section 104(k) of the Comprehensive Envi-~~  
21               ~~ronmental Response, Compensation, and Liability~~  
22               ~~Act of 1980 (42 U.S.C. 9604(k)).~~

23          (q) ~~EMERGENCY AUTHORITY AND LIABILITY.~~—

24               (1) ~~EMERGENCY AUTHORITY.~~—Nothing in this  
25          section affects the authority of—

1           (A) the Administrator to take any respon-  
2           sive action authorized by law; or

3           (B) a Federal, State, Tribal, or local agen-  
4           cy to carry out any emergency authority, in-  
5           cluding an emergency authority provided under  
6           Federal, State, Tribal, or local law.

7           (2) LIABILITY.—Except as specifically provided  
8           in this Act, nothing in this Act, a Good Samaritan  
9           permit, or an investigative sampling permit limits  
10          the liability of any person (including a Good Samari-  
11          tan or any cooperating person) under any provision  
12          of law.

13          (r) TERMINATION OF PERMIT.—

14           (1) IN GENERAL.—A Good Samaritan permit  
15          shall terminate, as applicable—

16           (A) on inspection and notice from the Ad-  
17           ministrator to the recipient of the Good Samar-  
18           itan permit that the permitted work has been  
19           completed in accordance with the terms of the  
20           Good Samaritan permit, as determined by the  
21           Administrator;

22           (B) if the Administrator terminates a per-  
23           mit under paragraph (4)(B); or

24           (C) except as provided in paragraph (2)—

1 (i) on the date that is 18 months after  
2 the date on which the Administrator grant-  
3 ed the Good Samaritan permit, if the per-  
4 mitted work has not commenced by that  
5 date; or

6 (ii) if the grant of the Good Samari-  
7 tan permit was the subject of a petition for  
8 judicial review, on the date that is 18  
9 months after the date on which the judicial  
10 review, including any appeals, has con-  
11 cluded, if the permitted work has not com-  
12 menced by that date.

13 (2) EXTENSION.—

14 (A) IN GENERAL.—If the Administrator is  
15 otherwise required to terminate a Good Samari-  
16 tan permit under paragraph (1)(C), the Admin-  
17 istrator may grant an extension of the Good Sa-  
18 maritan permit.

19 (B) LIMITATION.—Any extension granted  
20 under subparagraph (A) shall be not more than  
21 180 days for each extension.

22 (3) EFFECT OF TERMINATION.—

23 (A) IN GENERAL.—Notwithstanding the  
24 termination of a Good Samaritan permit or an  
25 investigative sampling permit under paragraph

1 (1), but subject to subparagraph (B), the provi-  
2 sions of paragraphs (1) through (4) of sub-  
3 section (n) shall continue to apply to the Good  
4 Samaritan and any cooperating persons after  
5 the termination, including to any long-term op-  
6 erations and maintenance pursuant to the  
7 agreement under paragraph (5).

8 (B) DEGRADATION OF SURFACE WATER  
9 QUALITY.—

10 (i) OPPORTUNITY TO RETURN TO  
11 BASELINE.—If, at the time that 1 or more  
12 of the conditions described in paragraph  
13 (1) are met but before the Good Samaritan  
14 permit is terminated, actions by the Good  
15 Samaritan or cooperating person have  
16 caused surface water quality at the aban-  
17 doned mine site to be measurably worse, as  
18 compared to baseline conditions described  
19 in subsection (c)(6), the Administrator  
20 shall, before terminating the Good Samari-  
21 tan permit, provide the Good Samaritan or  
22 cooperating person, as applicable, the op-  
23 portunity to return surface water quality  
24 to those baseline conditions.

1           (ii) EFFECT.—If, pursuant to clause  
2           (i), the applicable Good Samaritan or co-  
3           operating person does not return the sur-  
4           face water quality at the abandoned mine  
5           site to the baseline conditions described in  
6           subsection (c)(6), subparagraph (A) shall  
7           not apply to the Good Samaritan or any  
8           cooperating persons.

9           (4) UNFORESEEN CIRCUMSTANCES.—

10           (A) IN GENERAL.—The recipient of a cov-  
11           ered permit may seek to modify or terminate  
12           the covered permit to take into account any  
13           event or condition that—

14           (i) significantly reduces the feasibility  
15           or significantly increases the cost of com-  
16           pleting the remediation project that is the  
17           subject of the covered permit;

18           (ii) was not—

19           (I) reasonably contemplated by  
20           the recipient of the permit; or

21           (II) taken into account in the re-  
22           mediation plan of the recipient of the  
23           permit; and

1           (iii) is beyond the control of the re-  
2           eipient of the permit, as determined by the  
3           Administrator.

4           (B) TERMINATION.—The Administrator  
5           shall terminate a covered permit if—

6           (i) the recipient of the permit seeks  
7           termination of the permit under subpara-  
8           graph (A);

9           (ii) the factors described in subpara-  
10          graph (A) are satisfied; and

11          (iii) the Administrator determines  
12          that remediation activities conducted by  
13          the Good Samaritan or cooperating person  
14          pursuant to the covered permit may result  
15          in surface water quality conditions, or any  
16          other environmental conditions, that will be  
17          worse than the baseline conditions, as de-  
18          scribed in subsection (c)(6), as applicable.

19          (5) LONG-TERM OPERATIONS AND MAINTENANCE.—In the case of a project that involves long-  
20          term operations and maintenance at an abandoned  
21          mine site located on land owned by the United  
22          States, the project may be considered complete and  
23          the Administrator may terminate the Good Samari-  
24          tan permit under this subsection if the applicable  
25

1 Good Samaritan has entered into an agreement with  
2 the applicable Federal land management agency or  
3 a cooperating person for the long-term operations  
4 and maintenance that includes sufficient funding for  
5 the long-term operations and maintenance.

6 (s) REGULATIONS.—

7 (1) IN GENERAL.—Subject to paragraph (2),  
8 not later than 18 months after the date of enact-  
9 ment of this Act, the Administrator, in consultation  
10 with the Secretary of the Interior and the Secretary  
11 of Agriculture, and appropriate State, Tribal, and  
12 local officials, shall promulgate regulations to estab-  
13 lish—

14 (A) requirements for remediation plans de-  
15 scribed in subsection (c); and

16 (B) any other requirement that the Admin-  
17 istrator determines to be necessary to carry out  
18 this Act.

19 (2) SPECIFIC REQUIREMENTS BEFORE PROMUL-  
20 GATION.—Before the date on which the Adminis-  
21 trator promulgates regulations under paragraph (1),  
22 the Administrator may establish, on a case-by-case  
23 basis, specific requirements that the Administrator  
24 determines would facilitate the implementation of

1 this section with respect to a Good Samaritan per-  
2 mitting program.

3 **SEC. 5. SPECIAL ACCOUNTS.**

4 (a) **ESTABLISHMENT.**—There is established in the  
5 Treasury of the United States a Good Samaritan Mine  
6 Remediation Fund (referred to in this section as a  
7 “Fund”) for—

8 (1) each Federal land management agency that  
9 authorizes a Good Samaritan to conduct a project  
10 on Federal land under the jurisdiction of that Fed-  
11 eral land management agency under a Good Samari-  
12 tan permit; and

13 (2) the Environmental Protection Agency.

14 (b) **DEPOSITS.**—Each Fund shall consist of—

15 (1) amounts provided in appropriation Acts;

16 (2) any proceeds from reprocessing deposited  
17 under section 4(f)(4)(B)(iv);

18 (3) any financial assurance funds collected from  
19 an agreement described in section  
20 4(m)(1)(A)(vi)(V)(bb);

21 (4) any funds collected for long-term operations  
22 and maintenance under an agreement under section  
23 4(r)(5);

24 (5) any interest earned under an investment  
25 under subsection (c);

1           (6) any proceeds from the sale or redemption of  
2 investments held in the Fund; and

3           (7) any amounts donated to the Fund by any  
4 person.

5       (e) UNUSED FUNDS.—Amounts in each Fund not  
6 currently needed to carry out this Act shall be—

7           (1) maintained as readily available or on de-  
8 posit;

9           (2) invested in obligations of the United States  
10 or guaranteed by the United States; or

11           (3) invested in obligations, participations, or  
12 other instruments that are lawful investments for a  
13 fiduciary, a trust, or public funds.

14       (d) RETAIN AND USE AUTHORITY.—The Adminis-  
15 trator and each head of a Federal land management agen-  
16 cy, as appropriate, may, notwithstanding any other provi-  
17 sion of law, retain and use money deposited in the applica-  
18 ble Fund without fiscal year limitation for the purpose of  
19 carrying out this Act.

20 **SEC. 6. REPORT TO CONGRESS.**

21       (a) IN GENERAL.—Not later than 8 years after the  
22 date of enactment of this Act, the Administrator, in con-  
23 sultation with the heads of Federal land management  
24 agencies, shall submit to the Committee on Environment  
25 and Public Works of the Senate and the Committees on

1 Transportation and Infrastructure, Energy and Com-  
2 merce, and Natural Resources of the House of Represent-  
3 atives a report evaluating the Good Samaritan pilot pro-  
4 gram under this Act.

5 (b) INCLUSIONS.—The report under subsection (a)  
6 shall include—

7 (1) a description of—

8 (A) the number, types, and objectives of  
9 Good Samaritan permits granted pursuant to  
10 this Act; and

11 (B) each remediation project authorized by  
12 those Good Samaritan permits;

13 (2) qualitative and quantitative data on the re-  
14 sults achieved under the Good Samaritan permits  
15 before the date of issuance of the report;

16 (3) a description of—

17 (A) any problems encountered in admin-  
18 istering this Act; and

19 (B) whether the problems have been or can  
20 be remedied by administrative action (including  
21 amendments to existing law);

22 (4) a description of progress made in achieving  
23 the purposes of this Act; and

24 (5) recommendations on whether the Good Sa-  
25 maritan pilot program under this Act should be con-

1       tinued, including a description of any modifications  
2       (including amendments to existing law) required to  
3       continue administering this Act.

4       **SECTION 1. SHORT TITLE.**

5       *This Act may be cited as the “Good Samaritan Reme-*  
6       *diation of Abandoned Hardrock Mines Act of 2024”.*

7       **SEC. 2. DEFINITIONS.**

8       *In this Act:*

9               (1) *ABANDONED HARDROCK MINE SITE.—*

10                   (A) *IN GENERAL.—The term “abandoned*  
11                   *hardrock mine site” means an abandoned or in-*  
12                   *active hardrock mine site and any facility asso-*  
13                   *ciated with an abandoned or inactive hardrock*  
14                   *mine site—*

15                               (i) *that was used for the production of*  
16                               *a mineral other than coal conducted on*  
17                               *Federal land under sections 2319 through*  
18                               *2352 of the Revised Statutes (commonly*  
19                               *known as the “Mining Law of 1872”; 30*  
20                               *U.S.C. 22 et seq.) or on non-Federal land;*  
21                               *and*

22                               (ii) *for which, based on information*  
23                               *supplied by the Good Samaritan after re-*  
24                               *view of publicly available data and after re-*  
25                               *view of other information in the possession*

1           *of the Administrator, the Administrator or,*  
2           *in the case of a site on land owned by the*  
3           *United States, the Federal land manage-*  
4           *ment agency, determines that no responsible*  
5           *owner or operator has been identified—*

6                     *(I) who is potentially liable for, or*  
7                     *has been required to perform or pay*  
8                     *for, environmental remediation activi-*  
9                     *ties under applicable law; and*

10                    *(II) other than, in the case of a*  
11                    *mine site located on land owned by the*  
12                    *United States, a Federal land manage-*  
13                    *ment agency that has not been involved*  
14                    *in mining activity on that land, except*  
15                    *that the approval of a plan of oper-*  
16                    *ations under the hardrock mining reg-*  
17                    *ulations of the applicable Federal land*  
18                    *management agency shall not be con-*  
19                    *sidered involvement in the mining ac-*  
20                    *tivity.*

21                    *(B) INCLUSION.—The term “abandoned*  
22                    *hardrock mine site” includes a hardrock mine*  
23                    *site (including associated facilities) that was*  
24                    *previously the subject of a completed response ac-*  
25                    *tion under the Comprehensive Environmental*

1           *Response, Compensation, and Liability Act of*  
2           *1980 (42 U.S.C. 9601 et seq.) or a similar Fed-*  
3           *eral and State reclamation or cleanup program,*  
4           *including the remediation of mine-scarred land*  
5           *under the brownfields revitalization program*  
6           *under section 104(k) of that Act (42 U.S.C.*  
7           *9604(k)).*

8           (C) *EXCLUSIONS.—The term “abandoned*  
9           *hardrock mine site” does not include a mine site*  
10          *(including associated facilities)—*

11                 *(i) in a temporary shutdown or ces-*  
12                 *sation;*

13                 *(ii) included on the National Priorities*  
14                 *List developed by the President in accord-*  
15                 *ance with section 105(a)(8)(B) of the Com-*  
16                 *prehensive Environmental Response, Com-*  
17                 *ensation, and Liability Act of 1980 (42*  
18                 *U.S.C. 9605(a)(8)(B)) or proposed for in-*  
19                 *clusion on that list;*

20                 *(iii) that is the subject of a planned or*  
21                 *ongoing response action under the Com-*  
22                 *prehensive Environmental Response, Com-*  
23                 *ensation, and Liability Act of 1980 (42*  
24                 *U.S.C. 9601 et seq.) or a similar Federal*  
25                 *and State reclamation or cleanup program;*

1                   (iv) that has a responsible owner or  
2                   operator; or

3                   (v) that actively mined or processed  
4                   minerals after December 11, 1980.

5                   (2) ADMINISTRATOR.—The term “Adminis-  
6                   trator” means the Administrator of the Environ-  
7                   mental Protection Agency.

8                   (3) APPLICABLE WATER QUALITY STANDARDS.—  
9                   The term “applicable water quality standards” means  
10                  the water quality standards promulgated by the Ad-  
11                  ministrator or adopted by a State or Indian tribe  
12                  and approved by the Administrator pursuant to the  
13                  Federal Water Pollution Control Act (33 U.S.C. 1251  
14                  et seq.).

15                  (4) BASELINE CONDITIONS.—The term “baseline  
16                  conditions” means the concentrations, locations, and  
17                  releases of any hazardous substances, pollutants, or  
18                  contaminants, as described in the Good Samaritan  
19                  permit, present at an abandoned hardrock mine site  
20                  prior to undertaking any action under this Act.

21                  (5) COOPERATING PERSON.—

22                         (A) IN GENERAL.—The term “cooperating  
23                         person” means any person that is named by the  
24                         Good Samaritan in the permit application as a  
25                         cooperating entity.

1           (B) *EXCLUSIONS.*—The term “cooperating  
2           person” does not include—

3                   (i) a responsible owner or operator  
4                   with respect to the abandoned hardrock  
5                   mine site described in the permit applica-  
6                   tion;

7                   (ii) a person that had a role in the cre-  
8                   ation of historic mine residue at the aban-  
9                   doned hardrock mine site described in the  
10                  permit application; or

11                  (iii) a Federal agency.

12           (6) *COVERED PERMIT.*—The term “covered per-  
13           mit” means—

14                   (A) a Good Samaritan permit; and

15                   (B) an investigative sampling permit.

16           (7) *FEDERAL LAND MANAGEMENT AGENCY.*—The  
17           term “Federal land management agency” means any  
18           Federal agency authorized by law or executive order  
19           to exercise jurisdiction, custody, or control over land  
20           owned by the United States.

21           (8) *GOOD SAMARITAN.*—The term “Good Samar-  
22           itan” means a person that, with respect to historic  
23           mine residue, as determined by the Administrator—

24                   (A) is not a past or current owner or oper-  
25                  ator of—

1                   (i) *the abandoned hardrock mine site*  
2                   *at which the historic mine residue is lo-*  
3                   *cated; or*

4                   (ii) *a portion of that abandoned*  
5                   *hardrock mine site;*

6                   (B) *had no role in the creation of the his-*  
7                   *toric mine residue; and*

8                   (C) *is not potentially liable under any Fed-*  
9                   *eral, State, Tribal, or local law for the remedi-*  
10                   *ation, treatment, or control of the historic mine*  
11                   *residue.*

12                   (9) *GOOD SAMARITAN PERMIT.*—*The term “Good*  
13                   *Samaritan permit” means a permit granted by the*  
14                   *Administrator under section 4(a)(1).*

15                   (10) *HISTORIC MINE RESIDUE.*—

16                   (A) *IN GENERAL.*—*The term “historic mine*  
17                   *residue” means mine residue or any condition at*  
18                   *an abandoned hardrock mine site resulting from*  
19                   *hardrock mining activities.*

20                   (B) *INCLUSIONS.*—*The term “historic mine*  
21                   *residue” includes—*

22                   (i) *previously mined ores and minerals*  
23                   *other than coal that contribute to acid mine*  
24                   *drainage or other pollution;*

1                   (ii) equipment (including materials in  
2 equipment);

3                   (iii) any tailings facilities, heap leach  
4 piles, dump leach piles, waste rock, overbur-  
5 den, slag piles, or other waste or material  
6 resulting from any extraction, beneficiation,  
7 or other processing activity that occurred  
8 during the active operation of an aban-  
9 doned hardrock mine site;

10                  (iv) any acidic or otherwise polluted  
11 flow in surface water or groundwater that  
12 originates from, or is pooled and contained  
13 in, an inactive or abandoned hardrock mine  
14 site, such as underground workings, open  
15 pits, in-situ leaching operations, ponds, or  
16 impoundments;

17                  (v) any hazardous substance (as de-  
18 fined in section 101 of the Comprehensive  
19 Environmental Response, Compensation,  
20 and Liability Act of 1980 (42 U.S.C.  
21 9601));

22                  (vi) any pollutant or contaminant (as  
23 defined in section 101 of the Comprehensive  
24 Environmental Response, Compensation,

1                   *and Liability Act of 1980 (42 U.S.C.*  
2                   *9601)); and*

3                   *(vii) any pollutant (as defined in sec-*  
4                   *tion 502 of the Federal Water Pollution*  
5                   *Control Act (33 U.S.C. 1362)).*

6                   (11) *INDIAN TRIBE.*—*The term “Indian tribe”*  
7                   *has the meaning given the term in—*

8                   *(A) section 518(h) of the Federal Water Pol-*  
9                   *lution Control Act (33 U.S.C. 1377(h)); or*

10                   *(B) section 101 of the Comprehensive Envi-*  
11                   *ronmental Response, Compensation, and Liabil-*  
12                   *ity Act of 1980 (42 U.S.C. 9601).*

13                   (12) *INVESTIGATIVE SAMPLING PERMIT.*—*The*  
14                   *term “investigative sampling permit” means a permit*  
15                   *granted by the Administrator under section 4(d)(1).*

16                   (13) *PERSON.*—*The term “person” means any*  
17                   *entity described in—*

18                   *(A) section 502(5) of the Federal Water Pol-*  
19                   *lution Control Act (33 U.S.C. 1362(5)); or*

20                   *(B) section 101(21) of the Comprehensive*  
21                   *Environmental Response, Compensation, and Li-*  
22                   *ability Act of 1980 (42 U.S.C. 9601(21)).*

23                   (14) *REMEDIATION.*—

24                   *(A) IN GENERAL.*—*The term “remediation”*  
25                   *means any action taken to investigate, charac-*

1           *terize, or cleanup, in whole or in part, a dis-*  
2           *charge, release, or threat of release of a haz-*  
3           *ardous substance, pollutant, or contaminant into*  
4           *the environment at or from an abandoned*  
5           *hardrock mine site, or to otherwise protect and*  
6           *improve human health and the environment.*

7           (B) *INCLUSION.*—*The term “remediation”*  
8           *includes any action to remove, treat, or contain*  
9           *historic mine residue to prevent, minimize, or*  
10           *reduce—*

11                   *(i) the release or threat of release of a*  
12                   *hazardous substance, pollutant, or contami-*  
13                   *nant that would harm human health or the*  
14                   *environment; or*

15                   *(ii) a migration or discharge of a haz-*  
16                   *ardous substance, pollutant, or contaminant*  
17                   *that would harm human health or the envi-*  
18                   *ronment.*

19           (C) *EXCLUSION.*—*The term “remediation”*  
20           *does not include any action that requires plug-*  
21           *ging, opening, or otherwise altering the portal or*  
22           *adit of the abandoned hardrock mine site.*

23           (15) *RESERVATION.*—*The term “reservation” has*  
24           *the meaning given the term “Indian country” in sec-*  
25           *tion 1151 of title 18, United States Code.*

1           (16) *RESPONSIBLE OWNER OR OPERATOR.*—*The*  
2           *term “responsible owner or operator” means a person*  
3           *that is—*

4                   (A)(i) *legally responsible under section 301*  
5                   *of the Federal Water Pollution Control Act (33*  
6                   *U.S.C. 1311) for a discharge that originates from*  
7                   *an abandoned hardrock mine site; and*

8                   (ii) *financially able to comply with each re-*  
9                   *quirement described in that section; or*

10                   (B)(i) *a present or past owner or operator*  
11                   *or other person that is liable with respect to a*  
12                   *release or threat of release of a hazardous sub-*  
13                   *stance, pollutant, or contaminant associated*  
14                   *with the historic mine residue at or from an*  
15                   *abandoned hardrock mine site under section 104,*  
16                   *106, 107, or 113 of the Comprehensive Environ-*  
17                   *mental Response, Compensation, and Liability*  
18                   *Act of 1980 (42 U.S.C. 9604, 9606, 9607, 9613);*  
19                   *and*

20                   (ii) *financially able to comply with each re-*  
21                   *quirement described in those sections, as applica-*  
22                   *ble.*

23 **SEC. 3. SCOPE.**

24           *Nothing in this Act—*

1           (1) *except as provided in section 4(n), reduces*  
2 *any existing liability under Federal, State, or local*  
3 *law;*

4           (2) *except as provided in section 4(n), releases*  
5 *any person from liability under Federal, State, or*  
6 *local law, except in compliance with this Act;*

7           (3) *authorizes the conduct of any mining or*  
8 *processing other than the conduct of any processing of*  
9 *previously mined ores, minerals, wastes, or other ma-*  
10 *terials that is authorized by a Good Samaritan per-*  
11 *mit;*

12           (4) *imposes liability on the United States or a*  
13 *Federal land management agency pursuant to section*  
14 *107 of the Comprehensive Environmental Response,*  
15 *Compensation, and Liability Act of 1980 (42 U.S.C.*  
16 *9607) or section 301 of the Federal Water Pollution*  
17 *Control Act (33 U.S.C. 1311); or*

18           (5) *relieves the United States or any Federal*  
19 *land management agency from any liability under*  
20 *section 107 of the Comprehensive Environmental Re-*  
21 *sponse, Compensation, and Liability Act of 1980 (42*  
22 *U.S.C. 9607) or section 301 of the Federal Water Pol-*  
23 *lution Control Act (33 U.S.C. 1311) that exists apart*  
24 *from any action undertaken pursuant to this Act.*

1 **SEC. 4. ABANDONED HARDROCK MINE SITE GOOD SAMARI-**  
2 **TAN PILOT PROJECT AUTHORIZATION.**

3 (a) *ESTABLISHMENT.*—

4 (1) *IN GENERAL.*—*The Administrator shall es-*  
5 *tablish a pilot program under which the Adminis-*  
6 *trator shall grant not more than 15 Good Samaritan*  
7 *permits to carry out projects to remediate historic*  
8 *mine residue at any portions of abandoned hardrock*  
9 *mine sites in accordance with this Act.*

10 (2) *OVERSIGHT OF PERMITS.*—*The Adminis-*  
11 *trator may oversee the remediation project under*  
12 *paragraph (1), and any action taken by the applica-*  
13 *ble Good Samaritan or any cooperating person under*  
14 *the applicable Good Samaritan permit, for the dura-*  
15 *tion of the Good Samaritan permit, as the Adminis-*  
16 *trator determines to be necessary to review the status*  
17 *of the project.*

18 (3) *SUNSET.*—

19 (A) *IN GENERAL.*—*Except as provided in*  
20 *subparagraph (B), the pilot program described*  
21 *in paragraph (1) shall terminate on the date*  
22 *that is 7 years after the date of enactment of this*  
23 *Act.*

24 (B) *EXCEPTION.*—*Notwithstanding sub-*  
25 *paragraph (A), the Administrator may grant a*  
26 *Good Samaritan permit pursuant to this Act*

1           *after the date identified in subparagraph (A) if*  
2           *the application for the Good Samaritan per-*  
3           *mit—*

4                     *(i) was submitted not later than 180*  
5                     *days before that date; and*

6                     *(ii) was completed in accordance with*  
7                     *subsection (c) by not later than 7 years*  
8                     *after the date of enactment of this Act.*

9           (C) *EFFECT ON CERTAIN PERMITS.—Any*  
10           *Good Samaritan permit granted by the deadline*  
11           *prescribed in subparagraph (A) or (B), as appli-*  
12           *cable, that is in effect on the date that is 7 years*  
13           *after the date of enactment of this Act shall re-*  
14           *main in effect after that date in accordance*  
15           *with—*

16                     *(i) the terms and conditions of the*  
17                     *Good Samaritan permit; and*

18                     *(ii) this Act.*

19           (b) *GOOD SAMARITAN PERMIT ELIGIBILITY.—*

20                     (1) *IN GENERAL.—To be eligible to receive a*  
21           *Good Samaritan permit to carry out a project to re-*  
22           *mediate an abandoned hardrock mine site, a person*  
23           *shall demonstrate that, as determined by the Admin-*  
24           *istrator—*

1           (A) the abandoned hardrock mine site that  
2 is the subject of the application for a Good Sa-  
3 maritan permit is located in the United States;

4           (B) the purpose of the proposed project is  
5 the remediation at that abandoned hardrock  
6 mine site of historic mine residue;

7           (C) the proposed activities are designed to  
8 result in the partial or complete remediation of  
9 historic mine residue at the abandoned hardrock  
10 mine site within the term of the Good Samaritan  
11 permit;

12           (D) the proposed project poses a low risk to  
13 the environment, as determined by the Adminis-  
14 trator;

15           (E) to the satisfaction of the Administrator,  
16 the person—

17           (i) possesses, or has the ability to se-  
18 cure, the financial and other resources nec-  
19 essary—

20           (I) to complete the permitted  
21 work, as determined by the Adminis-  
22 trator; and

23           (II) to address any contingencies  
24 identified in the Good Samaritan per-

1                    *mit application described in subsection*

2                    *(c);*

3                    *(ii) possesses the proper and appro-*

4                    *priate experience and capacity to complete*

5                    *the permitted work; and*

6                    *(iii) will complete the permitted work;*

7                    *and*

8                    *(F) the person is a Good Samaritan with*

9                    *respect to the historic mine residue proposed to*

10                   *be covered by the Good Samaritan permit.*

11                   *(2) IDENTIFICATION OF ALL RESPONSIBLE OWN-*

12                   *ERS OR OPERATORS.—*

13                   *(A) IN GENERAL.—A Good Samaritan shall*

14                   *make reasonable and diligent efforts to identify,*

15                   *from a review of publicly available information*

16                   *in land records or on internet websites of Fed-*

17                   *eral, State, and local regulatory authorities, all*

18                   *responsible owners or operators of an abandoned*

19                   *hardrock mine site proposed to be remediated by*

20                   *the Good Samaritan under this section.*

21                   *(B) EXISTING RESPONSIBLE OWNER OR OP-*

22                   *ERATOR.—If the Administrator determines,*

23                   *based on information provided by a Good Sa-*

24                   *maritan or otherwise, that a responsible owner*

25                   *or operator exists for an abandoned hardrock*

1           *mine site proposed to be remediated by the Good*  
2           *Samaritan, the Administrator shall deny the ap-*  
3           *plication for a Good Samaritan permit.*

4           *(c) APPLICATION FOR PERMITS.—To obtain a Good*  
5           *Samaritan permit, a person shall submit to the Adminis-*  
6           *trator an application, signed by the person and any cooper-*  
7           *ating person, that provides, to the extent known or reason-*  
8           *ably discoverable by the person on the date on which the*  
9           *application is submitted—*

10           *(1) a description of the abandoned hardrock*  
11           *mine site (including the boundaries of the abandoned*  
12           *hardrock mine site) proposed to be covered by the*  
13           *Good Samaritan permit;*

14           *(2) a description of all parties proposed to be in-*  
15           *volved in the remediation project, including any co-*  
16           *operating person and each member of an applicable*  
17           *corporation, association, partnership, consortium,*  
18           *joint venture, commercial entity, or nonprofit associa-*  
19           *tion;*

20           *(3) evidence that the person has or will acquire*  
21           *all legal rights or the authority necessary to enter the*  
22           *relevant abandoned hardrock mine site and perform*  
23           *the remediation described in the application;*

24           *(4) a detailed description of the historic mine*  
25           *residue to be remediated;*

1           (5) a detailed description of the expertise and ex-  
2           perience of the person and the resources available to  
3           the person to successfully implement and complete the  
4           remediation plan under paragraph (7);

5           (6) to the satisfaction of the Administrator and  
6           subject to subsection (d), a description of the baseline  
7           conditions caused by the historic mine residue to be  
8           remediated that includes—

9                   (A) the nature and extent of any adverse  
10                  impact on the water quality of any body of  
11                  water caused by the drainage of historic mine  
12                  residue or other discharges from the abandoned  
13                  hardrock mine site;

14                  (B) the flow rate and concentration of any  
15                  drainage of historic mine residue or other dis-  
16                  charge from the abandoned hardrock mine site in  
17                  any body of water that has resulted in an ad-  
18                  verse impact described in subparagraph (A); and

19                  (C) any other release or threat of release of  
20                  historic mine residue that has resulted in an ad-  
21                  verse impact to human health or the environ-  
22                  ment;

23           (7) subject to subsection (d), a remediation plan  
24           for the abandoned hardrock mine site that describes—

1           (A) *the nature and scope of the proposed re-*  
2           *mediation activities, including—*

3                   (i) *any historic mine residue to be ad-*  
4                   *dressed by the remediation plan; and*

5                   (ii) *a description of the goals of the re-*  
6                   *mediation including, if applicable, with re-*  
7                   *spect to—*

8                           (I) *the reduction or prevention of*  
9                           *a release, threat of release, or discharge*  
10                           *to surface waters; or*

11                           (II) *other appropriate goals relat-*  
12                           *ing to water or soil;*

13           (B) *each activity that the person proposes to*  
14           *take that is—*

15                   (i) *designed to—*

16                           (I) *improve or enhance water*  
17                           *quality or site-specific soil or sediment*  
18                           *quality relevant to the historic mine*  
19                           *residue addressed by the remediation*  
20                           *plan, including making measurable*  
21                           *progress toward achieving applicable*  
22                           *water quality standards; or*

23                           (II) *otherwise protect human*  
24                           *health and the environment (including*  
25                           *through the prevention of a release, dis-*

1                    *charge, or threat of release to water,*  
2                    *sediment, or soil); and*

3                    *(ii) otherwise necessary to carry out an*  
4                    *activity described in subclause (I) or (II) of*  
5                    *clause (i);*

6                    *(C) a plan describing the monitoring or*  
7                    *other forms of assessment that will be undertaken*  
8                    *by the person to evaluate the success of the ac-*  
9                    *tivities described in subparagraph (A) during*  
10                   *and after the remediation, with respect to the*  
11                   *baseline conditions, as described in paragraph*  
12                   *(6);*

13                   *(D) to the satisfaction of the Administrator,*  
14                   *detailed engineering plans for the project;*

15                   *(E) detailed plans for any proposed recy-*  
16                   *cling or reprocessing of historic mine residue to*  
17                   *be conducted by the person (including a descrip-*  
18                   *tion of how all proposed recycling or reprocess-*  
19                   *ing activities contribute to the remediation of the*  
20                   *abandoned hardrock mine site); and*

21                   *(F) identification of any proposed con-*  
22                   *tractor that will perform any remediation activ-*  
23                   *ity;*

24                   *(8) subject to subsection (d), a schedule for the*  
25                   *work to be carried out under the project, including a*

1 *schedule for periodic reporting by the person on the*  
2 *remediation of the abandoned hardrock mine site;*

3 *(9) a health and safety plan that is specifically*  
4 *designed for mining remediation work;*

5 *(10) a specific contingency plan that—*

6 *(A) includes provisions on response and no-*  
7 *tification to Federal, State, Tribal, and local au-*  
8 *thorities with jurisdiction over downstream*  
9 *waters that have the potential to be impacted by*  
10 *an unplanned release or discharge of hazardous*  
11 *substances, pollutants, or contaminants; and*

12 *(B) is designed to respond to unplanned ad-*  
13 *verse events (such as adverse weather events or a*  
14 *potential fluid release that may result from ad-*  
15 *ressing pooled water or hydraulic pressure situ-*  
16 *ations), including the sudden release of historic*  
17 *mine residue;*

18 *(11) subject to subsection (d), a project budget*  
19 *and description of financial resources that dem-*  
20 *onstrate that the permitted work, including any oper-*  
21 *ation and maintenance, will be completed;*

22 *(12) subject to subsection (d), information dem-*  
23 *onstrating that the applicant has the financial re-*  
24 *sources to carry out the remediation (including any*  
25 *long-term monitoring that may be required by the*

1       *Good Samaritan permit) or the ability to secure an*  
2       *appropriate third-party financial assurance, as deter-*  
3       *mined by the Administrator, to ensure completion of*  
4       *the permitted work, including any long-term oper-*  
5       *ations and maintenance of remediation activities that*  
6       *may be—*

7                (A) *proposed in the application for the*  
8                *Good Samaritan permit; or*

9                (B) *required by the Administrator as a con-*  
10              *dition of granting the permit;*

11             (13) *subject to subsection (d), a detailed plan for*  
12             *any required operation and maintenance of any re-*  
13             *mediation, including a timeline, if necessary;*

14             (14) *subject to subsection (d), a description of*  
15             *any planned post-remediation monitoring, if nec-*  
16             *essary; and*

17             (15) *subject to subsection (d), any other appro-*  
18             *priate information, as determined by the Adminis-*  
19             *trator or the applicant.*

20        (d) *INVESTIGATIVE SAMPLING.—*

21             (1) *INVESTIGATIVE SAMPLING PERMITS.—The*  
22             *Administrator may grant an investigative sampling*  
23             *permit for a period determined by the Administrator*  
24             *to authorize a Good Samaritan to conduct investiga-*

1 *tive sampling of historic mine residue, soil, sediment,*  
 2 *or water to determine—*

3 *(A) baseline conditions; and*

4 *(B) whether the Good Samaritan—*

5 *(i) is willing to perform further reme-*  
 6 *diation to address the historic mine residue;*

7 *and*

8 *(ii) will proceed with a permit conver-*  
 9 *sion under subsection (e)(1).*

10 *(2) NUMBER OF PERMITS.—*

11 *(A) LIMITATION.— Subject to subparagraph*  
 12 *(B), the Administrator may grant not more than*  
 13 *15 investigative sampling permits.*

14 *(B) APPLICABILITY TO CONVERTED PER-*  
 15 *MITS.—An investigative sampling permit that is*  
 16 *not converted to a Good Samaritan permit pur-*  
 17 *suant to paragraph (5) may be eligible for*  
 18 *reissuance by the Administrator subject to the*  
 19 *overall total of not more than 15 investigative*  
 20 *sampling permits allowed at any 1 time de-*  
 21 *scribed in subparagraph (A).*

22 *(3) APPLICATION.—If a Good Samaritan pro-*  
 23 *poses to conduct investigative sampling, the Good Sa-*  
 24 *maritan shall submit to the Administrator an inves-*

1        *tigative sampling permit application that contains,*  
2        *to the satisfaction of the Administrator—*

3                *(A) each description required under para-*  
4                *graphs (1), (2), and (5) of subsection (c);*

5                *(B) to the extent reasonably known to the*  
6                *applicant, any previously documented water*  
7                *quality data describing conditions at the aban-*  
8                *doned hardrock mine site;*

9                *(C) the evidence required under subsection*  
10                *(c)(3);*

11                *(D) each plan required under paragraphs*  
12                *(9) and (10) of subsection (c); and*

13                *(E) a detailed plan of the investigative sam-*  
14                *pling.*

15        *(4) REQUIREMENTS.—*

16                *(A) IN GENERAL.—If a person submits an*  
17                *application that proposes only investigative sam-*  
18                *pling of historic mine residue, soil, sediment, or*  
19                *water that only includes the requirements de-*  
20                *scribed in paragraph (1), the Administrator may*  
21                *grant an investigative sampling permit that au-*  
22                *thorizes the person only to carry out the plan of*  
23                *investigative sampling of historic mine residue,*  
24                *soil, sediment, or water, as described in the in-*

1            *vestigative sampling permit application under*  
2            *paragraph (3).*

3            *(B) REPROCESSING.—An investigative sam-*  
4            *pling permit—*

5                    *(i) shall not authorize a Good Samari-*  
6                    *tan or cooperating person to conduct any*  
7                    *reprocessing of material; and*

8                    *(ii) may authorize metallurgical test-*  
9                    *ing of historic mine residue to determine*  
10                   *whether reprocessing under subsection*  
11                   *(f)(4)(B) is feasible.*

12            *(C) REQUIREMENTS RELATING TO SAM-*  
13            *PLS.—In conducting investigative sampling of*  
14            *historic mine residue, soil, sediment, or water, a*  
15            *Good Samaritan shall—*

16                    *(i) collect samples that are representa-*  
17                    *tive of the conditions present at the aban-*  
18                    *doned hardrock mine site that is the subject*  
19                    *of the investigative sampling permit; and*

20                    *(ii) retain publicly available records of*  
21                    *all sampling events for a period of not less*  
22                    *than 3 years.*

23            *(5) PERMIT CONVERSION.—Not later than 1 year*  
24            *after the date on which the investigative sampling*  
25            *under the investigative sampling permit concludes, a*

1        *Good Samaritan to whom an investigative sampling*  
2        *permit is granted under paragraph (1) may apply to*  
3        *convert an investigative sampling permit into a Good*  
4        *Samaritan permit under subsection (e)(1).*

5            (6) *PERMIT NOT CONVERTED.—*

6            (A) *IN GENERAL.—Subject to subparagraph*  
7            *(B)(ii)(I), a Good Samaritan who obtains an in-*  
8            *vestigative sampling permit may decline—*

9            (i) *to apply to convert the investigative*  
10           *sampling permit into a Good Samaritan*  
11           *permit under paragraph (5); and*

12           (ii) *to undertake remediation activities*  
13           *on the site where investigative sampling*  
14           *was conducted on conclusion of investigative*  
15           *sampling.*

16           (B) *EFFECT OF LACK OF CONVERSION.—*

17           (i) *IN GENERAL.—Notwithstanding a*  
18           *refusal by a Good Samaritan to convert an*  
19           *investigative sampling permit into a Good*  
20           *Samaritan permit under subparagraph (A),*  
21           *but subject to clause (ii), the provisions of*  
22           *paragraphs (1) through (4) of subsection (n)*  
23           *shall continue to apply to the Good Samari-*  
24           *tan and any cooperating persons after the*  
25           *refusal to convert.*

1                   (ii) *DEGRADATION OF SURFACE WATER*  
2                   *QUALITY.*—

3                   (I) *OPPORTUNITY TO CORRECT.*—

4                   *If, before the date on which a Good Sa-*  
5                   *maritan refuses to convert an inves-*  
6                   *tigative sampling permit under sub-*  
7                   *paragraph (A), actions by the Good*  
8                   *Samaritan or any cooperating person*  
9                   *have caused conditions at the aban-*  
10                   *doned hardrock mine site to be measur-*  
11                   *ably worse, as determined by the Ad-*  
12                   *ministrator, when compared to condi-*  
13                   *tions described pursuant to paragraph*  
14                   *(3)(B), if applicable, the Administrator*  
15                   *shall provide the Good Samaritan or*  
16                   *cooperating person, as applicable, the*  
17                   *opportunity to return the conditions at*  
18                   *the abandoned hardrock mine site to*  
19                   *those conditions.*

20                   (II) *EFFECT.*—*If, pursuant to*  
21                   *subclause (I), the applicable Good Sa-*  
22                   *maritan or cooperating person does not*  
23                   *return the surface water quality at the*  
24                   *abandoned hardrock mine site to con-*  
25                   *ditions described pursuant to para-*

1                   graph (3)(B), if applicable, as deter-  
2                   mined by the Administrator, clause (i)  
3                   shall not apply to the Good Samaritan  
4                   or any cooperating persons.

5           (e) *INVESTIGATIVE SAMPLING CONVERSION.*—

6                   (1) *IN GENERAL.*—A person to which an inves-  
7                   tigative sampling permit was granted may submit to  
8                   the Administrator an application in accordance with  
9                   paragraph (2) to convert the investigative sampling  
10                  permit into a Good Samaritan permit.

11                  (2) *APPLICATION.*—

12                   (A) *INVESTIGATIVE SAMPLING.*—An appli-  
13                   cation for the conversion of an investigative sam-  
14                   pling permit under paragraph (1) shall include  
15                   any requirement described in subsection (c) that  
16                   was not included in full in the application sub-  
17                   mitted under subsection (d)(3).

18                   (B) *PUBLIC NOTICE AND COMMENT.*—An  
19                   application for permit conversion under this  
20                   paragraph shall be subject to—

21                           (i) environmental review and public  
22                           comment procedures required by subsection  
23                           (l); and

24                           (ii) a public hearing, if requested.

25           (f) *CONTENT OF PERMITS.*—

1           (1) *IN GENERAL.*—A Good Samaritan permit  
2 shall contain—

3                   (A) the information described in subsection  
4 (c), including any modification required by the  
5 Administrator;

6                   (B)(i) a provision that states that the Good  
7 Samaritan is responsible for securing, for all ac-  
8 tivities authorized under the Good Samaritan  
9 permit, all authorizations, licenses, and permits  
10 that are required under applicable law except  
11 for—

12                           (I) section 301, 302, 306, 307, 402, or  
13 404 of the Federal Water Pollution Control  
14 Act (33 U.S.C. 1311, 1312, 1316, 1317,  
15 1342, 1344); and

16                           (II) authorizations, licenses, and per-  
17 mits that would not need to be obtained if  
18 the remediation was conducted pursuant to  
19 section 121 of the Comprehensive Environ-  
20 mental Response, Compensation, and Li-  
21 ability Act of 1980 (42 U.S.C. 9621); or

22                           (ii) in the case of an abandoned hardrock  
23 mine site in a State that is authorized to imple-  
24 ment State law pursuant to section 402 or 404  
25 of the Federal Water Pollution Control Act (33

1           *U.S.C. 1342, 1344) or on land of an Indian tribe*  
2           *that is authorized to implement Tribal law pur-*  
3           *suant to that section, a provision that states that*  
4           *the Good Samaritan is responsible for securing,*  
5           *for all activities authorized under the Good Sa-*  
6           *maritan permit, all authorizations, licenses, and*  
7           *permits that are required under applicable law,*  
8           *except for—*

9                     *(I) the State or Tribal law, as applica-*  
10                    *ble; and*

11                    *(II) authorizations, licenses, and per-*  
12                    *mits that would not need to be obtained if*  
13                    *the remediation was conducted pursuant to*  
14                    *section 121 of the Comprehensive Environ-*  
15                    *mental Response, Compensation, and Li-*  
16                    *ability Act of 1980 (42 U.S.C. 9621);*

17                    *(C) specific public notification require-*  
18                    *ments, including the contact information for all*  
19                    *appropriate response centers in accordance with*  
20                    *subsection (o);*

21                    *(D) in the case of a project on land owned*  
22                    *by the United States, a notice that the Good Sa-*  
23                    *maritan permit serves as an agreement for use*  
24                    *and occupancy of Federal land that is enforce-*

1           able by the applicable Federal land management  
2           agency; and

3           (E) any other terms and conditions deter-  
4           mined to be appropriate by the Administrator or  
5           the Federal land management agency, as appli-  
6           cable.

7           (2) *FORCE MAJEURE*.—A Good Samaritan per-  
8           mit may include, at the request of the Good Samari-  
9           tan, a provision that a Good Samaritan may assert  
10          a claim of force majeure for any violation of the Good  
11          Samaritan permit caused solely by—

12           (A) an act of God;

13           (B) an act of war;

14           (C) negligence on the part of the United  
15          States;

16           (D) an act or omission of a third party, if  
17          the Good Samaritan—

18           (i) exercises due care with respect to  
19           the actions of the Good Samaritan under  
20           the Good Samaritan permit, as determined  
21           by the Administrator;

22           (ii) took precautions against foreseeable  
23           acts or omissions of the third party, as de-  
24           termined by the Administrator; and

25           (iii) uses reasonable efforts—

1                   (I) to anticipate any potential  
2                   force majeure; and

3                   (II) to address the effects of any  
4                   potential force majeure; or

5                   (E) a public health emergency declared by  
6                   the Federal Government or a global government,  
7                   such as a pandemic or an epidemic.

8                   (3) MONITORING.—

9                   (A) IN GENERAL.—The Good Samaritan  
10                  shall take such actions as the Good Samaritan  
11                  permit requires to ensure appropriate baseline  
12                  conditions monitoring, monitoring during the re-  
13                  mediation project, and post-remediation moni-  
14                  toring of the environment under paragraphs (7)  
15                  and (14) of subsection (c).

16                  (B) MULTIPARTY MONITORING.—The Ad-  
17                  ministrators may approve in a Good Samaritan  
18                  permit the monitoring by multiple cooperating  
19                  persons if, as determined by the Administrator—

20                         (i) the multiparty monitoring will ef-  
21                         fectively accomplish the goals of this section;  
22                         and

23                         (ii) the Good Samaritan remains re-  
24                         sponsible for compliance with the terms of  
25                         the Good Samaritan permit.

1 (4) *OTHER DEVELOPMENT.*—

2 (A) *NO AUTHORIZATION OF MINING ACTIVITIES.*—No mineral exploration, processing,  
3 beneficiation, or mining shall be—  
4

5 (i) authorized by this Act; or

6 (ii) covered by any waiver of liability  
7 provided by this Act from applicable law.

8 (B) *REPROCESSING OF MATERIALS.*—A  
9 Good Samaritan may reprocess materials recovered during the implementation of a remediation  
10 plan only if—  
11

12 (i) the project under the Good Samaritan permit is on land owned by the United  
13 States;  
14

15 (ii) the applicable Federal land management agency has signed a decision document under subsection (l)(2)(G) approving reprocessing as part of a remediation plan;  
16  
17  
18

19 (iii) the proceeds from the sale or use  
20 of the materials are used—

21 (I) to defray the costs of the remediation; and  
22

23 (II) to the extent required by the  
24 Good Samaritan permit, to reimburse  
25 the Administrator or the head of a

1                   *Federal land management agency for*  
2                   *the purpose of carrying out this Act;*

3                   *(iv) any remaining proceeds are depos-*  
4                   *ited into the appropriate Good Samaritan*  
5                   *Mine Remediation Fund established by sec-*  
6                   *tion 5(a); and*

7                   *(v) the materials only include historic*  
8                   *mine residue.*

9                   (C) CONNECTION WITH OTHER ACTIVI-  
10                  TIES.—*The commingling or association of any*  
11                  *other discharge of water or historic mine residue*  
12                  *or any activity, project, or operation conducted*  
13                  *on or after the date of enactment of this Act with*  
14                  *any aspect of a project subject to a Good Samar-*  
15                  *itan permit shall not limit or reduce the liability*  
16                  *of any person associated with the other discharge*  
17                  *of water or historic mine residue or activity,*  
18                  *project, or operation.*

19                  (g) ADDITIONAL WORK.—*A Good Samaritan permit*  
20                  *may (subject to subsection (r)(5) in the case of a project*  
21                  *located on Federal land) allow the Good Samaritan to re-*  
22                  *turn to the abandoned hardrock mine site after the comple-*  
23                  *tion of the remediation to perform operations and mainte-*  
24                  *nance or other work—*

1           (1) *to ensure the functionality of completed re-*  
 2           *mediation activities at the abandoned hardrock mine*  
 3           *site; or*

4           (2) *to protect public health and the environment.*

5           (h) *TIMING.—Work authorized under a Good Samari-*  
 6           *tan permit—*

7           (1) *shall commence, as applicable—*

8                   (A) *not later than the date that is 18*  
 9                   *months after the date on which the Adminis-*  
 10                   *trator granted the Good Samaritan permit, un-*  
 11                   *less the Administrator grants an extension under*  
 12                   *subsection (r)(2)(A); or*

13                   (B) *if the grant of the Good Samaritan per-*  
 14                   *mit is the subject of a petition for judicial re-*  
 15                   *view, not later than the date that is 18 months*  
 16                   *after the date on which the judicial review, in-*  
 17                   *cluding any appeals, has concluded; and*

18           (2) *shall continue until completed, with tem-*  
 19           *porary suspensions permitted during adverse weather*  
 20           *or other conditions specified in the Good Samaritan*  
 21           *permit.*

22           (i) *TRANSFER OF PERMITS.—A Good Samaritan per-*  
 23           *mit may be transferred to another person only if—*

24                   (1) *the Administrator determines that the trans-*  
 25                   *feree qualifies as a Good Samaritan;*

1           (2) *the transferee signs, and agrees to be bound*  
2 *by the terms of, the permit;*

3           (3) *the Administrator includes in the transferred*  
4 *permit any additional conditions necessary to meet*  
5 *the goals of this section; and*

6           (4) *in the case of a project under the Good Sa-*  
7 *maritan permit on land owned by the United States,*  
8 *the head of the applicable Federal land management*  
9 *agency approves the transfer.*

10       (j) *ROLE OF ADMINISTRATOR AND FEDERAL LAND*  
11 *MANAGEMENT AGENCIES.—In carrying out this section—*

12           (1) *the Administrator shall—*

13                   (A) *consult with prospective applicants;*

14                   (B) *convene, coordinate, and lead the appli-*  
15 *cation review process;*

16                   (C) *maintain all records relating to the*  
17 *Good Samaritan permit and the permit process;*

18                   (D) *in the case of a proposed project on*  
19 *State, Tribal, or private land, provide an oppor-*  
20 *tunity for cooperating persons and the public to*  
21 *participate in the Good Samaritan permit proc-*  
22 *ess, including—*

23                           (i) *carrying out environmental review*  
24 *and public comment procedures pursuant to*  
25 *subsection (l); and*

1                   (ii) a public hearing, if requested; and

2                   (E) enforce and otherwise carry out this sec-

3                   tion; and

4                   (2) the head of an applicable Federal land man-

5                   agement agency shall—

6                   (A) in the case of a proposed project on

7                   land owned by the United States, provide an op-

8                   portunity for cooperating persons and the public

9                   to participate in the Good Samaritan permit

10                  process, including—

11                  (i) carrying out environmental review

12                  and public comment procedures pursuant to

13                  subsection (l); and

14                  (ii) a public hearing, if requested; and

15                  (B) in coordination with the Administrator,

16                  enforce Good Samaritan permits issued under

17                  this section for projects on land owned by the

18                  United States.

19                  (k) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—As

20                  soon as practicable, but not later than 14 days after the

21                  date on which the Administrator receives an application

22                  for the remediation of an abandoned hardrock mine site

23                  under this section that, as determined by the Administrator,

24                  is complete and meets all applicable requirements of sub-

1 *section (c), the Administrator shall provide notice and a*  
2 *copy of the application to—*

3           (1) *each local government with jurisdiction over*  
4 *a drinking water utility, and each Indian tribe with*  
5 *reservation or off-reservation treaty rights to land or*  
6 *water, located downstream from or otherwise near a*  
7 *proposed remediation project that is reasonably an-*  
8 *ticipated to be impacted by the remediation project or*  
9 *a potential release of contaminants from the aban-*  
10 *doned hardrock mine site, as determined by the Ad-*  
11 *ministrator;*

12           (2) *each Federal, State, and Tribal agency that*  
13 *may have an interest in the application; and*

14           (3) *in the case of an abandoned hardrock mine*  
15 *site that is located partially or entirely on land*  
16 *owned by the United States, the Federal land man-*  
17 *agement agency with jurisdiction over that land.*

18           (l) *ENVIRONMENTAL REVIEW AND PUBLIC COM-*  
19 *MENT.—*

20           (1) *IN GENERAL.—Before the issuance of a Good*  
21 *Samaritan permit to carry out a project for the reme-*  
22 *diation of an abandoned hardrock mine site, the Ad-*  
23 *ministrator shall ensure that environmental review*  
24 *and public comment procedures are carried out with*  
25 *respect to the proposed project.*

1           (2) *RELATION TO NEPA.*—

2                   (A) *MAJOR FEDERAL ACTION.*—Subject to  
3                   subparagraph (F), the issuance or modification  
4                   of a Good Samaritan permit by the Adminis-  
5                   trator shall be considered a major Federal action  
6                   for purposes of section 102 of the National Envi-  
7                   ronmental Policy Act of 1969 (42 U.S.C. 4332).

8                   (B) *LEAD AGENCY.*—The lead agency for  
9                   purposes of an environmental assessment and  
10                  public comment under this subsection shall be—

11                         (i) in the case of a proposed project on  
12                         land owned by the United States that is  
13                         managed by only 1 Federal land manage-  
14                         ment agency, the applicable Federal land  
15                         management agency;

16                         (ii) in the case of a proposed project  
17                         entirely on State, Tribal, or private land,  
18                         the Administrator;

19                         (iii) in the case of a proposed project  
20                         partially on land owned by the United  
21                         States and partially on State, Tribal, or  
22                         private land, the applicable Federal land  
23                         management agency; and

24                         (iv) in the case of a proposed project  
25                         on land owned by the United States that is

1           *managed by more than 1 Federal land*  
2           *management agency, the Federal land man-*  
3           *agement agency selected by the Adminis-*  
4           *trator to be the lead agency, after consulta-*  
5           *tion with the applicable Federal land man-*  
6           *agement agencies.*

7           (C) *COORDINATION.*—*To the maximum ex-*  
8           *tent practicable, the lead agency described in*  
9           *subparagraph (B) shall coordinate procedures*  
10           *under the National Environmental Policy Act of*  
11           *1969 (42 U.S.C. 4321 et seq.) with State, Tribal,*  
12           *and Federal cooperating agencies, as applicable.*

13           (D) *COOPERATING AGENCY.*—*In the case of*  
14           *a proposed project on land owned by the United*  
15           *States, the Administrator shall be a cooperating*  
16           *agency for purposes of an environmental assess-*  
17           *ment and public comment under this subsection.*

18           (E) *SINGLE NEPA DOCUMENT.*—*The lead*  
19           *agency described in subparagraph (B) may con-*  
20           *duct a single environmental assessment for—*

21                   (i) *the issuance of a Good Samaritan*  
22                   *permit;*

23                   (ii) *any activities authorized by a*  
24                   *Good Samaritan permit; and*

1           (iii) any applicable permits required  
2 by the Secretary of the Interior or the Sec-  
3 retary of Agriculture.

4           (F) NO SIGNIFICANT IMPACT.—

5           (i) IN GENERAL.—A Good Samaritan  
6 permit may only be issued if, after an envi-  
7 ronmental assessment, the head of the lead  
8 agency issues a finding of no significant  
9 impact (as defined in section 111 of the Na-  
10 tional Environmental Policy Act of 1969  
11 (42 U.S.C. 4336e)).

12           (ii) SIGNIFICANT IMPACT.—If the head  
13 of the lead agency is unable to issue a find-  
14 ing of no significant impact (as so defined),  
15 the head of the lead agency shall not issue  
16 a Good Samaritan permit for the proposed  
17 project.

18           (G) DECISION DOCUMENT.—An approval or  
19 denial of a Good Samaritan permit may be  
20 issued as a single decision document that is  
21 signed by—

22           (i) the Administrator; and

23           (ii) in the case of a project on land  
24 owned by the United States, the head of the

1           *applicable Federal land management agen-*  
2           *cy.*

3           (H) *LIMITATION.*—*Nothing in this para-*  
4           *graph exempts the Secretary of Agriculture or*  
5           *the Secretary of the Interior, as applicable, from*  
6           *any other requirements of section 102 of the Na-*  
7           *tional Environmental Policy Act of 1969 (42*  
8           *U.S.C. 4332).*

9           (m) *PERMIT GRANT.*—

10           (1) *IN GENERAL.*—*The Administrator may grant*  
11           *a Good Samaritan permit to carry out a project for*  
12           *the remediation of an abandoned hardrock mine site*  
13           *only if—*

14                   (A) *the Administrator determines that—*

15                           (i) *the person seeking the permit is a*  
16                           *Good Samaritan;*

17                           (ii) *the application described in sub-*  
18                           *section (c) is complete;*

19                           (iii) *the project is designed to reme-*  
20                           *diate historic mine residue at the aban-*  
21                           *doned hardrock mine site to protect human*  
22                           *health and the environment;*

23                           (iv) *the proposed project is designed to*  
24                           *meet all other goals, as determined by the*  
25                           *Administrator, including any goals set forth*

1           *in the application for the Good Samaritan*  
2           *permit that are accepted by the Adminis-*  
3           *trator;*

4           *(v) the proposed activities, as com-*  
5           *pared to the baseline conditions described in*  
6           *the permit, will make measurable progress*  
7           *toward achieving—*

8                   *(I) applicable water quality*  
9                   *standards;*

10                   *(II) improved soil quality;*

11                   *(III) improved sediment quality;*

12                   *(IV) other improved environ-*  
13                   *mental or safety conditions; or*

14                   *(V) reductions in threats to soil,*  
15                   *sediment, or water quality or other en-*  
16                   *vironmental or safety conditions;*

17           *(vi) the applicant has—*

18                   *(I) demonstrated that the appli-*  
19                   *cant has the proper and appropriate*  
20                   *experience and capacity to complete*  
21                   *the permitted work;*

22                   *(II) demonstrated that the appli-*  
23                   *cant will complete the permitted work;*

24                   *(III) the financial and other re-*  
25                   *sources to address any contingencies*

1 *identified in the Good Samaritan per-*  
2 *mit application described in sub-*  
3 *sections (b) and (c);*

4 *(IV) granted access and provided*  
5 *the authority to review the records of*  
6 *the applicant relevant to compliance*  
7 *with the requirements of the Good Sa-*  
8 *maritan permit; and*

9 *(V) demonstrated, to the satisfac-*  
10 *tion of the Administrator, that—*

11 *(aa) the applicant has, or*  
12 *has access to, the financial re-*  
13 *sources to complete the project de-*  
14 *scribed in the Good Samaritan*  
15 *permit application, including any*  
16 *long-term monitoring and oper-*  
17 *ations and maintenance that the*  
18 *Administrator may require the*  
19 *applicant to perform in the Good*  
20 *Samaritan permit; or*

21 *(bb) the applicant has estab-*  
22 *lished a third-party financial as-*  
23 *surance mechanism, such as a*  
24 *corporate guarantee from a parent*  
25 *or other corporate affiliate, letter*

1           *of credit, trust, surety bond, or in-*  
2           *urance to assure that funds are*  
3           *available to complete the per-*  
4           *mitted work, including for oper-*  
5           *ations and maintenance and to*  
6           *address potential contingencies,*  
7           *that—*

8                     *(AA) establishes the Ad-*  
9                     *ministrator or the head of the*  
10                    *Federal land management*  
11                    *agency as the beneficiary of*  
12                    *the third-party financial as-*  
13                    *urance mechanism; and*

14                    *(BB) allows the Admin-*  
15                    *istrator to retain and use the*  
16                    *funds from the financial as-*  
17                    *urance mechanism in the*  
18                    *event the Good Samaritan*  
19                    *does not complete the remedi-*  
20                    *ation under the Good Samar-*  
21                    *itan permit; and*

22                    *(vii) the project meets the requirements*  
23                    *of this Act;*

24                    *(B) the State or Indian tribe with jurisdic-*  
25                    *tion over land on which the abandoned hardrock*

1        *mine site is located has been given an oppor-*  
2        *tunity to review and, if necessary, comment on*  
3        *the grant of the Good Samaritan permit;*

4                *(C) in the case of a project proposed to be*  
5        *carried out under the Good Samaritan permit*  
6        *partially or entirely on land owned by the*  
7        *United States, pursuant to subsection (l), the*  
8        *head of the applicable Federal land management*  
9        *agency has signed a decision document approv-*  
10        *ing the proposed project; and*

11                *(D) the Administrator or head of the Fed-*  
12        *eral land management agency, as applicable, has*  
13        *provided—*

14                        *(i) environmental review and public*  
15                        *comment procedures required by subsection*  
16                        *(l); and*

17                        *(ii) a public hearing under that sub-*  
18                        *section, if requested.*

19        *(2) DEADLINE.—*

20                        *(A) IN GENERAL.—The Administrator shall*  
21        *grant or deny a Good Samaritan permit by not*  
22        *later than—*

23                        *(i) the date that is 180 days after the*  
24                        *date of receipt by the Administrator of an*  
25                        *application for the Good Samaritan permit*

1           that, as determined by the Administrator, is  
2           complete and meets all applicable require-  
3           ments of subsection (c); or

4           (ii) such later date as may be deter-  
5           mined by the Administrator with notifica-  
6           tion provided to the applicant.

7           (B) *CONSTRUCTIVE DENIAL.*—If the Admin-  
8           istrator fails to grant or deny a Good Samaritan  
9           permit by the applicable deadline described in  
10          subparagraph (A), the application shall be con-  
11          sidered to be denied.

12          (3) *DISCRETIONARY ACTION.*—The issuance of a  
13          permit by the Administrator and the approval of a  
14          project by the head of an applicable Federal land  
15          management agency shall be considered to be discre-  
16          tionary actions taken in the public interest.

17          (n) *EFFECT OF PERMITS.*—

18          (1) *IN GENERAL.*—A Good Samaritan and any  
19          cooperating person undertaking remediation activities  
20          identified in, carried out pursuant to, and in compli-  
21          ance with, a covered permit—

22          (A) shall be considered to be in compliance  
23          with all requirements (including permitting re-  
24          quirements) under the Federal Water Pollution  
25          Control Act (33 U.S.C. 1251 et seq.) (including

1           *any law or regulation implemented by a State or*  
2           *Indian tribe under section 402 or 404 of that Act*  
3           *(33 U.S.C. 1342, 1344)) and the Comprehensive*  
4           *Environmental Response, Compensation, and Li-*  
5           *ability Act of 1980 (42 U.S.C. 9601 et seq.) dur-*  
6           *ing the term of the covered permit, after the ter-*  
7           *mination of the Good Samaritan permit, and*  
8           *after declining to convert an investigative sam-*  
9           *pling permit into a Good Samaritan permit, as*  
10          *applicable;*

11           *(B) shall not be required to obtain a permit*  
12          *under, or to comply with, section 301, 302, 306,*  
13          *307, 402, or 404 of the Federal Water Pollution*  
14          *Control Act (33 U.S.C. 1311, 1312, 1316, 1317,*  
15          *1342, 1344), or any State or Tribal standards or*  
16          *regulations approved by the Administrator under*  
17          *those sections of that Act, during the term of the*  
18          *covered permit, after the termination of the Good*  
19          *Samaritan permit, and after declining to con-*  
20          *vert an investigative sampling permit into a*  
21          *Good Samaritan permit, as applicable; and*

22           *(C) shall not be required to obtain any au-*  
23          *thorizations, licenses, or permits that would oth-*  
24          *erwise not need to be obtained if the remediation*  
25          *was conducted pursuant to section 121 of the*

1           *Comprehensive Environmental Response, Com-*  
2           *ensation, and Liability Act of 1980 (42 U.S.C.*  
3           *9621).*

4           (2) *UNAUTHORIZED ACTIVITIES.—*

5                   (A) *IN GENERAL.—Any person (including a*  
6                   *Good Samaritan or any cooperating person) that*  
7                   *carries out any activity, including activities re-*  
8                   *lating to mineral exploration, processing,*  
9                   *beneficiation, or mining, including development,*  
10                  *that is not authorized by the applicable covered*  
11                  *permit shall be subject to all applicable law.*

12                  (B) *LIABILITY.—Any activity not author-*  
13                  *ized by a covered permit, as determined by the*  
14                  *Administrator, may be subject to liability and*  
15                  *enforcement under all applicable law, includ-*  
16                  *ing—*

17                           (i) *the Federal Water Pollution Control*  
18                           *Act (33 U.S.C. 1251 et seq.); and*

19                           (ii) *the Comprehensive Environmental*  
20                           *Response, Compensation, and Liability Act*  
21                           *of 1980 (42 U.S.C. 9601 et seq.).*

22           (3) *NO ENFORCEMENT OR LIABILITY FOR GOOD*  
23           *SAMARITANS.—*

24                   (A) *IN GENERAL.—Subject to subpara-*  
25                   *graphs (D) and (E), a Good Samaritan or co-*

1           *operating person that is conducting a remedi-*  
2           *ation activity identified in, pursuant to, and in*  
3           *compliance with a covered permit shall not be*  
4           *subject to enforcement or liability described in*  
5           *subparagraph (B) for—*

6                     *(i) any actions undertaken that are*  
7                     *authorized by the covered permit; or*

8                     *(ii) any past, present, or future re-*  
9                     *leases, threats of releases, or discharges of*  
10                    *hazardous substances, pollutants, or con-*  
11                    *taminants at or from the abandoned*  
12                    *hardrock mine site that is the subject of the*  
13                    *covered permit (including any releases,*  
14                    *threats of releases, or discharges that oc-*  
15                    *curred prior to the grant of the covered per-*  
16                    *mit).*

17            *(B) ENFORCEMENT OR LIABILITY DE-*  
18            *SCRIBED.—Enforcement or liability referred to*  
19            *in subparagraph (A) is enforcement, civil or*  
20            *criminal penalties, citizen suits and any liabil-*  
21            *ities for response costs, natural resource damage,*  
22            *or contribution under—*

23                     *(i) the Federal Water Pollution Control*  
24                     *Act (33 U.S.C. 1251 et seq.) (including*  
25                     *under any law or regulation administered*

1           by a State or Indian tribe under that Act);  
2           or

3           (ii) the Comprehensive Environmental  
4           Response, Compensation, and Liability Act  
5           of 1980 (42 U.S.C. 9601 et seq.).

6           (C) *DURATION OF APPLICABILITY.*—Sub-  
7           paragraph (A) shall apply during the term of the  
8           covered permit, after the termination of the Good  
9           Samaritan permit, and after declining to con-  
10          vert an investigative sampling permit into a  
11          Good Samaritan permit, as applicable.

12          (D) *OTHER PARTIES.*—Nothing in subpara-  
13          graph (A) limits the liability of any person that  
14          is not described in that subparagraph.

15          (E) *DECLINE IN ENVIRONMENTAL CONDI-*  
16          *TIONS.*—Notwithstanding subparagraph (A), if a  
17          Good Samaritan or cooperating person fails to  
18          comply with any term, condition, or limitation  
19          of a covered permit and that failure results in  
20          surface water quality or other environmental  
21          conditions that the Administrator determines are  
22          measurably worse than the baseline conditions as  
23          described in the permit (in the case of a Good  
24          Samaritan permit) or the conditions as de-  
25          scribed pursuant to subsection (d)(3)(B), if ap-

1            *plicable (in the case of an investigative sampling*  
2            *permit), at the abandoned hardrock mine site,*  
3            *the Administrator shall—*

4                    *(i) notify the Good Samaritan or co-*  
5                    *operating person, as applicable, of the fail-*  
6                    *ure to comply; and*

7                    *(ii) require the Good Samaritan or the*  
8                    *cooperating person, as applicable, to under-*  
9                    *take reasonable measures, as determined by*  
10                   *the Administrator, to return surface water*  
11                   *quality or other environmental conditions to*  
12                   *those conditions.*

13                   *(F) FAILURE TO CORRECT.—Subparagraph*  
14                   *(A) shall not apply to a Good Samaritan or co-*  
15                   *operating person that fails to take any actions*  
16                   *required under subparagraph (E)(ii) within a*  
17                   *reasonable period of time, as established by the*  
18                   *Administrator.*

19                   *(G) MINOR OR CORRECTED PERMIT VIOLA-*  
20                   *TIONS.—For purposes of this paragraph, the fail-*  
21                   *ure to comply with a term, condition, or limita-*  
22                   *tion of a Good Samaritan permit or investiga-*  
23                   *tive sampling permit shall not be considered a*  
24                   *permit violation or noncompliance with that*  
25                   *permit if—*

1                   (i) *that failure or noncompliance does*  
2                   *not result in a measurable adverse impact,*  
3                   *as determined by the Administrator, on*  
4                   *water quality or other environmental condi-*  
5                   *tions; or*

6                   (ii) *the Good Samaritan or cooper-*  
7                   *ating person complies with subparagraph*  
8                   *(E)(i).*

9           (o) *PUBLIC NOTIFICATION OF ADVERSE EVENT.—A*  
10 *Good Samaritan shall notify all appropriate Federal,*  
11 *State, Tribal, and local entities of any unplanned or pre-*  
12 *viously unknown release of historic mine residue caused by*  
13 *the actions of the Good Samaritan or any cooperating per-*  
14 *son in accordance with—*

15                   (1) *section 103 of the Comprehensive Environ-*  
16                   *mental Response, Compensation, and Liability Act of*  
17                   *1980 (42 U.S.C. 9603);*

18                   (2) *section 304 of the Emergency Planning and*  
19                   *Community Right-To-Know Act of 1986 (42 U.S.C.*  
20                   *11004);*

21                   (3) *the Federal Water Pollution Control Act (33*  
22                   *U.S.C. 1251 et seq.);*

23                   (4) *any other applicable provision of Federal*  
24                   *law; and*

1           (5) *any other applicable provision of State, Trib-*  
2           *al, or local law.*

3           (p) *GRANT ELIGIBILITY.—A remediation project con-*  
4           *ducted under a Good Samaritan permit shall be eligible for*  
5           *funding pursuant to—*

6           (1) *section 319 of the Federal Water Pollution*  
7           *Control Act (33 U.S.C. 1329), for activities that are*  
8           *eligible for funding under that section; and*

9           (2) *section 104(k) of the Comprehensive Environ-*  
10           *mental Response, Compensation, and Liability Act of*  
11           *1980 (42 U.S.C. 9604(k)), subject to the condition*  
12           *that the recipient of the funding is otherwise eligible*  
13           *under that section to receive a grant to assess or re-*  
14           *mediate contamination at the site covered by the*  
15           *Good Samaritan permit.*

16          (q) *EMERGENCY AUTHORITY AND LIABILITY.—*

17           (1) *EMERGENCY AUTHORITY.—Nothing in this*  
18           *section affects the authority of—*

19           (A) *the Administrator to take any respon-*  
20           *sive action authorized by law; or*

21           (B) *a Federal, State, Tribal, or local agency*  
22           *to carry out any emergency authority, including*  
23           *an emergency authority provided under Federal,*  
24           *State, Tribal, or local law.*

1           (2) *LIABILITY.*—*Except as specifically provided*  
2 *in this Act, nothing in this Act, a Good Samaritan*  
3 *permit, or an investigative sampling permit limits*  
4 *the liability of any person (including a Good Samari-*  
5 *tan or any cooperating person) under any provision*  
6 *of law.*

7           (r) *TERMINATION OF GOOD SAMARITAN PERMIT.*—

8           (1) *IN GENERAL.*—*A Good Samaritan permit*  
9 *shall terminate, as applicable—*

10                   (A) *on inspection and notice from the Ad-*  
11 *ministrator to the recipient of the Good Samari-*  
12 *tan permit that the permitted work has been*  
13 *completed in accordance with the terms of the*  
14 *Good Samaritan permit, as determined by the*  
15 *Administrator;*

16                   (B) *if the Administrator terminates a per-*  
17 *mit under paragraph (4)(B); or*

18                   (C) *except as provided in paragraph (2)—*

19                           (i) *on the date that is 18 months after*  
20 *the date on which the Administrator grant-*  
21 *ed the Good Samaritan permit, if the per-*  
22 *mitted work has not commenced by that*  
23 *date; or*

24                           (ii) *if the grant of the Good Samaritan*  
25 *permit was the subject of a petition for ju-*

1            *dicial review, on the date that is 18 months*  
2            *after the date on which the judicial review,*  
3            *including any appeals, has concluded, if the*  
4            *permitted work has not commenced by that*  
5            *date.*

6            (2) *EXTENSION.—*

7            (A) *IN GENERAL.—If the Administrator is*  
8            *otherwise required to terminate a Good Samari-*  
9            *tan permit under paragraph (1)(C), the Admin-*  
10           *istrator may grant an extension of the Good Sa-*  
11           *maritan permit.*

12           (B) *LIMITATION.—Any extension granted*  
13           *under subparagraph (A) shall be not more than*  
14           *180 days for each extension.*

15           (3) *EFFECT OF TERMINATION.—*

16           (A) *IN GENERAL.—Notwithstanding the ter-*  
17           *mination of a Good Samaritan permit under*  
18           *paragraph (1), but subject to subparagraph (B),*  
19           *the provisions of paragraphs (1) through (4) of*  
20           *subsection (n) shall continue to apply to the*  
21           *Good Samaritan and any cooperating persons*  
22           *after the termination, including to any long-term*  
23           *operations and maintenance pursuant to the*  
24           *agreement under paragraph (5).*

1                   (B) *DEGRADATION OF SURFACE WATER*  
2                   *QUALITY.*—

3                   (i) *OPPORTUNITY TO RETURN TO BASE-*  
4                   *LINE CONDITIONS.*—*If, at the time that 1 or*  
5                   *more of the conditions described in para-*  
6                   *graph (1) are met but before the Good Sa-*  
7                   *maritan permit is terminated, actions by*  
8                   *the Good Samaritan or cooperating person*  
9                   *have caused surface water quality at the*  
10                   *abandoned hardrock mine site to be measur-*  
11                   *ably worse, as determined by the Adminis-*  
12                   *trator, when compared to baseline condi-*  
13                   *tions described in the permit, the Adminis-*  
14                   *trator shall, before terminating the Good*  
15                   *Samaritan permit, provide the Good Sa-*  
16                   *maritan or cooperating person, as applica-*  
17                   *ble, the opportunity to return surface water*  
18                   *quality to those baseline conditions.*

19                   (ii) *EFFECT.*—*If, pursuant to clause*  
20                   *(i), the applicable Good Samaritan or co-*  
21                   *operating person does not return the surface*  
22                   *water quality at the abandoned hardrock*  
23                   *mine site to the baseline conditions de-*  
24                   *scribed in the permit, as determined by the*  
25                   *Administrator, subparagraph (A) shall not*

1           *apply to the Good Samaritan or any co-*  
2           *operating persons.*

3           (4) *UNFORESEEN CIRCUMSTANCES.—*

4           (A) *IN GENERAL.—The recipient of a Good*  
5           *Samaritan permit may seek to modify or termi-*  
6           *nate the Good Samaritan permit to take into ac-*  
7           *count any event or condition that—*

8                   (i) *significantly reduces the feasibility*  
9                   *or significantly increases the cost of com-*  
10                  *pleting the remediation project that is the*  
11                  *subject of the Good Samaritan permit;*

12                  (ii) *was not—*

13                   (I) *reasonably contemplated by*  
14                   *the recipient of the Good Samaritan*  
15                   *permit; or*

16                   (II) *taken into account in the re-*  
17                   *mediation plan of the recipient of the*  
18                   *Good Samaritan permit; and*

19                   (iii) *is beyond the control of the recipi-*  
20                   *ent of the Good Samaritan permit, as deter-*  
21                   *mined by the Administrator.*

22           (B) *TERMINATION.—The Administrator*  
23           *shall terminate a Good Samaritan permit if—*

1           (i) the recipient of the Good Samaritan permit seeks termination of the permit  
2           under subparagraph (A);

3           (ii) the factors described in subparagraph (A) are satisfied; and

4           (iii) the Administrator determines that  
5           remediation activities conducted by the  
6           Good Samaritan or cooperating person pursuant to the Good Samaritan permit may  
7           result in surface water quality conditions,  
8           or any other environmental conditions, that  
9           will be worse than the baseline conditions,  
10          as described in the Good Samaritan permit,  
11          as applicable.

12           (5) *LONG-TERM OPERATIONS AND MAINTENANCE.*—In the case of a project that involves long-  
13           term operations and maintenance at an abandoned  
14           hardrock mine site located on land owned by the  
15           United States, the project may be considered complete  
16           and the Administrator, in coordination with the applicable Federal land management agency, may terminate the Good Samaritan permit under this subsection if the applicable Good Samaritan has entered  
17           into an agreement with the applicable Federal land  
18           management agency or a cooperating person for the  
19

1 *long-term operations and maintenance that includes*  
2 *sufficient funding for the long-term operations and*  
3 *maintenance.*

4 *(s) REGULATIONS.—*

5 *(1) IN GENERAL.—Subject to paragraph (2), the*  
6 *Administrator, in consultation with the Secretary of*  
7 *the Interior and the Secretary of Agriculture, and ap-*  
8 *propriate State, Tribal, and local officials, may pro-*  
9 *mulgate any regulations that the Administrator deter-*  
10 *mines to be necessary to carry out this Act.*

11 *(2) GUIDANCE IF NO REGULATIONS PROMUL-*  
12 *GATED.—*

13 *(A) IN GENERAL.—If the Administrator*  
14 *does not initiate a regulatory process to promul-*  
15 *gate regulations under paragraph (1) within 180*  
16 *days after the date of enactment of this Act, the*  
17 *Administrator, in consultation with the Sec-*  
18 *retary of the Interior, the Secretary of Energy,*  
19 *and appropriate State, Tribal, and local offi-*  
20 *cial, shall issue guidance establishing specific*  
21 *requirements that the Administrator determines*  
22 *would facilitate the implementation of this sec-*  
23 *tion.*

24 *(B) PUBLIC COMMENTS.—Before finalizing*  
25 *any guidance issued under subparagraph (A),*

1           *the Administrator shall hold a 30-day public*  
2           *comment period.*

3 **SEC. 5. SPECIAL ACCOUNTS.**

4           *(a) ESTABLISHMENT.—There is established in the*  
5 *Treasury of the United States a Good Samaritan Mine Re-*  
6 *mediation Fund (referred to in this section as a “Fund”)*  
7 *for—*

8                   *(1) each Federal land management agency that*  
9                   *authorizes a Good Samaritan to conduct a project on*  
10                   *Federal land under the jurisdiction of that Federal*  
11                   *land management agency under a Good Samaritan*  
12                   *permit; and*

13                   *(2) the Environmental Protection Agency.*

14           *(b) DEPOSITS.—Each Fund shall consist of—*

15                   *(1) amounts provided in appropriation Acts;*

16                   *(2) any proceeds from reprocessing deposited*  
17 *under section 4(f)(4)(B)(iv);*

18                   *(3) any financial assurance funds collected from*  
19 *an agreement described in section*  
20 *4(m)(1)(A)(vi)(V)(bb);*

21                   *(4) any funds collected for long-term operations*  
22 *and maintenance under an agreement under section*  
23 *4(r)(5);*

24                   *(5) any interest earned under an investment*  
25 *under subsection (c);*

1           (6) *any proceeds from the sale or redemption of*  
2           *investments held in the Fund; and*

3           (7) *any amounts donated to the Fund by any*  
4           *person.*

5           (c) *UNUSED FUNDS.—Amounts in each Fund not cur-*  
6           *rently needed to carry out this Act shall be—*

7           (1) *maintained as readily available or on de-*  
8           *posit;*

9           (2) *invested in obligations of the United States*  
10          *or guaranteed by the United States; or*

11          (3) *invested in obligations, participations, or*  
12          *other instruments that are lawful investments for a fi-*  
13          *duciary, a trust, or public funds.*

14          (d) *RETAIN AND USE AUTHORITY.—The Adminis-*  
15          *trator and each head of a Federal land management agency,*  
16          *as appropriate, may, notwithstanding any other provision*  
17          *of law, retain and use money deposited in the applicable*  
18          *Fund without fiscal year limitation for the purpose of car-*  
19          *rying out this Act.*

20          **SEC. 6. REPORT TO CONGRESS.**

21          (a) *IN GENERAL.—Not later than 8 years after the*  
22          *date of enactment of this Act, the Administrator, in con-*  
23          *sultation with the heads of Federal land management agen-*  
24          *cies, shall submit to the Committee on Environment and*  
25          *Public Works of the Senate and the Committees on Trans-*

1 *portation and Infrastructure, Energy and Commerce, and*  
2 *Natural Resources of the House of Representatives a report*  
3 *evaluating the Good Samaritan pilot program under this*  
4 *Act.*

5 (b) *INCLUSIONS.*—*The report under subsection (a)*  
6 *shall include—*

7 (1) *a description of—*

8 (A) *the number, types, and objectives of*  
9 *Good Samaritan permits granted pursuant to*  
10 *this Act; and*

11 (B) *each remediation project authorized by*  
12 *those Good Samaritan permits;*

13 (2) *interim or final qualitative and quantitative*  
14 *data on the results achieved under the Good Samari-*  
15 *tan permits before the date of issuance of the report;*

16 (3) *a description of—*

17 (A) *any problems encountered in admin-*  
18 *istering this Act; and*

19 (B) *whether the problems have been or can*  
20 *be remedied by administrative action (including*  
21 *amendments to existing law);*

22 (4) *a description of progress made in achieving*  
23 *the purposes of this Act; and*

24 (5) *recommendations on whether the Good Sa-*  
25 *maritan pilot program under this Act should be con-*

1 *tinued, including a description of any modifications*  
2 *(including amendments to existing law) required to*  
3 *continue administering this Act.*

Calendar No. 312

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2781**

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**A BILL**

To promote remediation of abandoned hardrock  
mines, and for other purposes.

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JANUARY 25, 2024

Reported with an amendment